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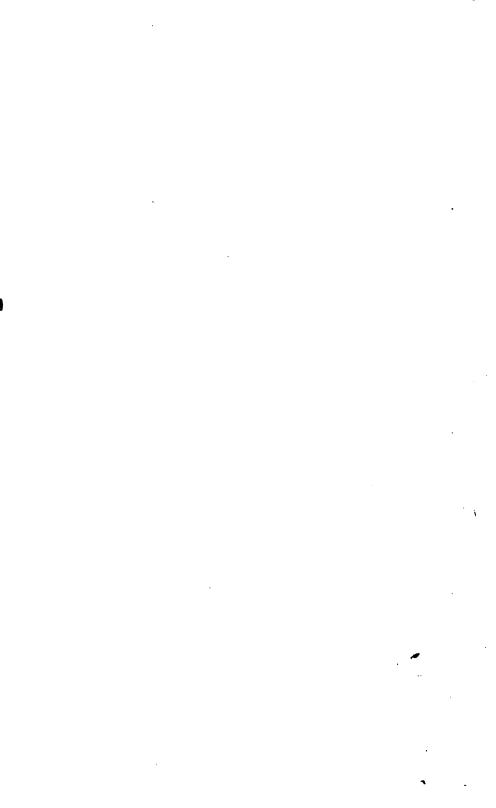
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# PROCEEDINGS

# UPON THE TRIAL OF THE ACTION BROUGHT BY MARY ELIZABETH SMITH AGAINST THE RIGHT HON. WASHINGTON SEWALLIS SHIRLEY EARL FERRERS

For Breach of Promise of Marriage

DAMAGES LAID AT £20,000

BEFORE MR. JUSTICE WIGHTMAN AND A SPECIAL JURY
ON THE 14th 16th 17th and 18th OF FEBRUARY 1846 IN THE QUEEN'S BENCH
WESTMINSTER HALL



LONDON
WILLIAM PICKERING
1846



# NAMES OF THE JURY.

# SPECIAL JURORS.

Henry Smith Smith, of New Bond Street, Esq.

James Keaven, of Cumberland Street, Marylebone, Esq.

Matthew Watson Thomas, of Priory Cottage, Seven Sisters'

Road, Islington, Merchant.

Henry Penney, of Langford Place, Marylebone, Merchant. Theophilus Thickbroome, of Millbank Street, Westminster, Merchant.

Benjamin Lancaster, of Chester Terrace, Pancras, Merchant.

Henry Watson, of John Street, St. George Hanover Square, Merchant.

The above Seven Special Jurymen only appearing, a Tales was prayed by the Plaintiff, and the following Common Jurors were added.

### TALESMEN.

George Sadd, of Leicester Place, Mercer.

William Spenceley, of Horseferry Road, Cheesemonger.

George Sanson, of Alfred Street, Stonemason.

Richard Savage, of Great Chapel Street, Dealer in Hair.

John Scofield, of Old Compton Street, Broker.

# COUNSEL FOR THE PLAINTIFF.

The Solicitor General, (Sir Fitzroy Kelly). Mr. Chambers, Q.C. Mr. Robinson. Mr. Symons.

### ATTORNEY.

Mr. Felix John Hamel, Tamworth.

## COUNSEL FOR THE DEFENDANT.

The Attorney General, (Sir Frederick Thesiger).

Mr. Crowder, Q. C.

Mr. Humfrey, Q. C.

Mr. Barstow.

### ATTORNEY.

Mr. Gilbert Stephens, Northumberland Street, Strand.

From the Short-hand Notes of MESSES. CHERER.

In the Queen's Bench.

# PROCEEDINGS UPON THE TRIAL

OF THE ACTION BROUGHT BY

# MARY ELIZABETH SMITH

AGAINST

THE RIGHT HON. THE EARL FERRERS, FOR BREACH OF PROMISE OF MARRIAGE.

Mr. Symons opened the Pleadings as follows:—

May it please your Lordship; Gentlemen of the Jury;

THIS is an action for breach of promise of marriage. The declaration states that on the 1st of January, 1844, the Defendant promised to marry the Plaintiff; the declaration then alleges that that promise was broken, and that the Defendant married one Augusta Annabella Chichester: to this the Defendant has pleaded, first, that he did not make the promise; and secondly, that the Defendant, at the time of making the promise, was an infant, under the age of twenty-one years. To these pleas the Plaintiff has replied by joining issue on the first plea; and secondly, new assigning and stating that the Defendant made the said promise after he had attained the age of twenty-one years; upon these pleadings issue has been joined, and these are the issues you are to try.

The Solicitor General then proceeded to state the Case on the part of the Plaintiff.

May it please your Lordship; Gentlemen of the Jury; You have learnt from my learned friend the nature of this action, and when I tell you that it involves the character and happiness, and all that is dear in life to the young Lady, on whose behalf I now have the honour to

address you, I need not add that it is a case, to her, of the last and deepest interest and of unspeakable importance; and I am quite sure that I shall not solicit in vain your patient and minute attention to the case which I shall now proceed to state to you.

Gentlemen, the young Lady for whom I appear, Miss Smith, is at this time barely twenty-one years of age, and at the period to which I shall have more especially to call your attention, was of the age of between seventeen and eighteen; and at that period, under circumstances which I shall proceed to detail to you, became acquainted with the Defendant Lord Ferrers.

His Lordship, as you may possibly be aware, is a Nobleman of very ancient family, and vast landed possessions in the counties of Leicester and Stafford, and some other of the midland counties, and he is himself young, having, I believe, only attained the age of twenty-one years early in the year 1843. His Grandfather, the last Earl Ferrers, died, I believe, in the same year, 1843.

The Attorney General.—No; the 2nd of October, 1842.

The Solicitor General.—Died in the month of October, 1842. The father of the present Lord, Viscount Tamworth never succeeded to the Earldom, he having died several years ago, before his father, the grandfather of the present Defendant, the last Earl Ferrers. This young man, Lord Ferrers, when Viscount Tamworth, before the death of his grandfather, was placed under the care of a gentleman of the name of Echalaz, at the village of Austrey in the county of Warwick; and he there, under the care of this gentleman, continued to acquire an education, to prosecute the usual studies of a young man of rank and of fortune, and he remained under the care of this gentleman until. I believe, the year 1840, when he went abroad for the space of two years, returning about the year 1842; and from that time, until the occurrence of certain events which I shall have to detail to you, resided sometimes in London, but principally at one or the other of two of his seats in the country, Chartley Castle or Staunton Harold.

Gentlemen, Miss Smith, the young lady, who appears as the plaintiff in this case, is the daughter of Mr. Smith,

also residing at Austrey: he is a gentleman of moderate means, of high character and respectability, well connected, and he married a lady, the mother of the present plaintiff, who was herself, although also of very moderate fortune, extremely well connected, being descended, I believe, from the Curzons, the family of Lord Scarsdale, a family not distantly connected with that of Earl Ferrers himself.

Mr. and Mrs. Smith and their daughter, and the rest of the family, resided at Austrey during the whole time that Lord Ferrers was there under the care of Mr. Echalaz. and as long back as the year 1839; possibly there might have been some sort of acquaintance earlier: but I need not carry your attention further back than that period. As early as the year 1839 Miss Smith attracted the attention of Lord Ferrers, then Lord Tamworth, who was studying, as I have stated to you, in the same place, and at a very short distance from the residence of Mr. Smith. They met; in what way first it is in vain to enquire; they occasionally passed each other, stopped, spoke to each other, and came gradually into some sort of communication and intercourse, at all events, as early as the year 1839, and this kind of occasional meeting, conversation, and sometimes a little letter writing; note writing passed between them from that time, until the time when the Earl went abroad.

Miss Smith, who was a young lady of considerable personal attractions, who had had an excellent education, and most of the accomplishments bestowed upon young ladies in this country, succeeded, or fancied she had succeeded in attracting, not only the attentions, but in gaining the affections of Lord Ferrers; he made to her the most passionate, and apparently the most sincere declarations of love, of unalterable, of unchangeable attachment. I need not say, gentlemen, that independently of all other considerations, a young girl, who, though well born and well bred, was so vastly inferior in fortune, station, and rank, nay, all that at first sight is calculated to command admiration and to fascinate the mind and feelings of a young girl, to my Lord Ferrers; that she readily, perhaps too

readily, gave way to feelings which came upon her, and soon became sincerely and deeply attached to him.

Gentlemen, this attachment which may have been, and one is willing to hope which was, mutual and sincere on one side, as it undoubtedly was on the other, until the time when Lord Tamworth was going abroad, before he went abroad he prevailed upon this young lady to pledge to him inviolable attachment, inviolable fidelity; and he assured her when time and his own age and circumstances would permit, that he would undoubtedly make her his wife. The sort of intercourse which had been carried on between these two young people, which had excited some little attention upon the spot, as they were every now and then seen together, could not fail to reach the ears of her parents, Mr. and Mrs. Smith, and they spoke to their daughter upon the subject. Gentlemen, I need not, of course it would not be correct that I should, enter minutely into what passed between the father and the daughter, because it is not admissible in evidence, not having passed in the presence of the defendant; but I may not incorrectly state thus much; that they felt that the attentions of one so immeasurably above their daughter in rank and station were to be looked upon with some suspicion, if not with alarm; they perhaps dreaded what has since happened, and they were desirous, as far as possible, of preventing the continuance of a connexion which they could scarcely hope would terminate honourably and happily, which they might well have some reason to fear might terminate in the most painful, in the most unhappy manner for their daughter; they removed her for a time; they sent her to school in London; they afterwards sent her to France, where she finished her education: And this brings us to the period when Lord Ferrers went abroad; I pass over the interval of about two years, and come to the time when he returned to this country, which I think was in the year 1842.

Gentlemen, from the time of his return until the period when most of the correspondence took place between the parties, the period when the marriage was fixed, and was (as fondly hoped by Miss Smith and her family) about to take place, he sought every opportunity of continuing that intercourse which had commenced at the period I have mentioned, and securing and binding fast to himself the affections of Miss Smith, which he had already gained. He lived, as I have stated, when in the country, either at Chartley Castle, somewhere about thirty miles from Austrey, or at Staunton Harold, a distance of some fourteen or fifteen miles; but he often came over to Austrey, and as often as he found practicable, met Miss Smith, and continued to give her the same fervent assurances of continued and unalterable attachment.

Gentlemen, at this time letters passed between them; a great many have not been preserved, and at length when he had become Earl Ferrers by the death of his grandfather, when he had arrived at an age when there was no reason why he should not please himself, the conversations that took place between them became directed more particularly to what was supposed to be the object and wish of both, namely, their early union. 'And in the course either of the end of 1843, or the early part of 1844, it was agreed between them that their union should take place in the month of May. You will find in the course of the correspondence, to which I shall have occasion to call your attention, and which I shall lay before you, such of it I mean as is still in Miss Smith's possession, you will find that from circumstances which are alluded to in the letters, the marriage was postponed from May until a later period of the year; but it was ultimately determined that it should take place in July or in August. And at that period, or just before it, every preparation was made; it was no longer made a secret among the intimate friends of the young lady; the time was mentioned, dresses were prepared, bride cake, I believe, ordered; certainly bridesmaids chosen; every thing was done that is usually done upon such occasions with a view to the nuptials of a lady with a gentleman; and it was only towards the middle or the end of July that this unhappy young lady was awakened from her dream, by reading in the newspapers the marriage of Lord Ferrers to a young lady of the name of Chichester.

Gentlemen, in calling your attention to the correspondence which passed between these parties, and to other circumstances connected with the case, you will see better than I can state to you the history and the progress of this case, you will be able without any comments, still less without any topics addressed to you calculated to inflame your feelings, to appreciate the true character of this case; you will be able, I hope, and I am sure to sympathize with this young Lady, whose peace of mind, whose happiness, whose prospects in this life are for ever sacrificed by the breach of faith, by the cruel perfidy of this young Nobleman.

Gentlemen, with regard to those communications which took place in the course of 1843, as far as it was by letter, I am unable to produce letters before you: he was in the habit of writing upon scraps of paper, sometimes very small scraps of paper, and sometimes in a hand scarcely legible, and many of these have been lost; but towards the beginning of 1844, his letters not only increased in fervency of declaration of all kinds of attachment, and kindly, and affectionate feelings towards this young Lady; but they likewise very considerably increased in length: she had written to him, she had sent him one or two little presents, a handkerchief, something of that kind in which she had worked her initials with her own hair, and had some little communications of that kind with him; he seeing her very often, at least (so he said), as often as he could see her, as often as he could come over from either Chartley or Staunton, wherever he happened to be staying, and writing to her from time to time, writing in a free and unrestricted manner, until the time when, as I have stated to you, the marriage was about to take place.

Gentlemen, in 1844, after a letter that had been written by her to him, which possibly may be produced, though for reasons, which I shall have to state to you before I sit down, I cannot in any way rely upon any letter that I may call for being produced on the part of the defendant, but she had written to him more than one letter early in the year 1844, and somewhere about the month of February, for the letter itself I should state is not dated with the month or the year,

so as to distinctly prove it, but from circumstances alluded to there will be very little difficulty as to the real time when this, and all the other letters were written; in the month of February 1844, as far as she can remember, about the 11th or 12th of the month, she received this letter: "Dearest Mary, if wishes could transport me to you, there would be no need of this writing, but as I am anxious, most anxious. to hear of your well being, and also to tell you that business relating to my late Grandfather's will, may detain me longer than I thought of from you, I send you this-my good cousin Evelyn," that is a Mr. Evelyn Shirley, whose name you will hear very often mentioned in these letters, and probably in the course of the case; "my good cousin Evelyn advises me not to take my seat just at present." This was written you see after he had become Earl Ferrers, and after he had come of age, "as he thinks it not necessary; the fact is. though he wont own it, he fancies me no Tory in feeling, and would of course like that I should be one in truth; I myself think it will be wise to be quiet for the present, it needs not I should tell you again Evelyn is a clever fellow, an ultra Tory, ever condemning Sir Robert for his even measures."

Gentlemen, if one may pause for a moment in a serious case, one might almost suppose, if circumstances did not render it impossible, that this letter had been of a later date. "An ambitious man" (that is Evelyn, not Sir Robert!) "an ambitious man and a very proud one, attached to Devereux much, and thinking me somewhat obstinate and stupid for not seeing clearly, and acting up to his wishes in each respect. Really this weather is tremendous, so cold; the other night I saw the 'Bohemian Girl,' the performance pleased me much. Talbot is in town. Monk's really gone to Rome with the Stourtons; I have seen chairs—"

Gentlemen, just let me pause for a moment; this is not a case, such as is sometimes presented to a jury, in which a doubt is raised whether expressions of attachment, whether by word of mouth or in writing, really amount to a promise of marriage, because you will find throughout these letters, written in the freest and most unembarrassed style, you will find that which can leave no approach to

doubt upon your minds; not only that he had promised marriage, which he had done years before, but that it was actually settled and determined between them when the marriage should take place; all that was to be considered was what were the measures to be adopted, what things were to be done with a view to that event, even after the marriage should have been solemnized. He says, "I have seen chairs, that I think will do for one of our rooms at Chartley. Wont the old Hall be bright and happy when its future Mistress takes possession of it. Pray take every care of yourself, dearest, forget not you are the only hope of one to whom a palace would be but a desert and England no home without you; far dearer to me than each earthly blessing, without which no one or any would be of value. Mary, you who are all in all to me, take care of yourself, and mind when you return from walking you change your shoes. You may laugh at me, but you are not particular, I know, in this respect, and you may take cold; also pray wrap up very warmly, and do not sit too long over that embroidery frame, nor vex yourself with thinking of imaginary evils; surely if we love each other we may pass through this vale of thorns and thistles, as you are pleased to term it, tolerably. We must support each other, and you look bright and happy as you used to do in days of yore. has often struck me there is something untold to me, some secret care, I know not of, that troubles you; why not, dear Girl, tell me if it is so, for I have often seen you sad and unhappy, and the thought is with me still there is something; pardon my thus speaking, I would lighten every care as far as lay in me and bear all your troubles for you, so I saw you happy :- I hope soon this will cease-in May, that you may be my bride, my wife, then all that is mystery now will be cleared and your father not to have to look for the marks of horses shoes in that hovel of his, but that Zimro may be found in his stable, this will amuse you." Whether that was the name of one of his horses or what it is, I am not at this moment informed, some allusion or another not very important. "Do not let any one see my note, I am ashamed of it, the writing so illegible. I was at Brighton the other day and saw my sister; Devereux is going to stay there for a

time. Captain Westall, Talbot, and the Honourable Charles Davy, are dining with me at Mivarts. I think it likely I shall be obliged to go to Eatington for a day or two."

I should observe, Gentlemen, as you will find in the course of these letters, from a cause it is difficult to explain, this young man, who was of an extraordinary capricious character (who, it is painful that I am obliged in the discharge of my duty to say, has never, never in his intercourse with this young Lady, or, I fear, in his present conduct with a view to this defence, adhered to the truth), was of a strangely wild imagination, and in writing these letters, written with apparent rapidity and free mind and heart, continually over and over again alludes to things; and persons which are merely the creation of his own imagination; in the strongest and most inconceivable manner does he do this in various parts of these letters; some explanation will probably be given you by and by on that subject, I merely make the observation now as some things in this letter, and others, would appear indeed to ordinary persons, from a well reguilated, well educated young Gentleman or Nobleman, perfectly unintelligible and inconceivable, from him, are all within his natural character, and unfortunately the habits which he has acquired.

He goes on—"Met H. Tracy,"—I suppose that means Hanbury Tracey—there is a passage I omitted, "I hardly know whether to purchase the Conservatory at Staunton,

but suppose I must, 'tis nearly £1000."

Gentlemen, for another purpose I shall have, by and by, to call your attention to that, and one or two other passages in these letters; he goes on: "met Hanbury Tracy in town the other day, went to Madame Tussaud's exhibition with young Collingwood, to see Father Mathew. I think as we have rather fixed upon living on the Continent for some time, it will hardly be of use fitting up Chartley, until our return from thence. More of this when I again see you, which certainly will not be long. Evelyn is greatly interested about these Irish Trials."

I have said the precise dates of these letters is not material, and I have no means directly by legal evidence of proving them; but I stated there are allusions in them to undoubted

public events which will remove all doubt; here is an allusion to the long continued Irish state trials against Mr. O'Connell. "Evelyn is greatly interested about these Irish trials, indeed his son went down purposely to hear Sheil's speech, which delighted him. He personally knows Fitzgibbon. Talbot has purchased a musical box, which he brought me to look at, cost 10 guineas, it plays beautifully some of Betheoven's sonatas and waltzes, and is really worth the money; but as you told me to be very careful about expense, I shall not indulge myself with anything of the kind until after our marriage. I deeply regret the loss of that foolish £5000, but it is of no use only to make me more careful in future; my grandfather and father lost much money in that way, it will not do for the son to follow their example, as it would make him a second Lord Huntingtower. I rather fancy the child of Evelyn who wedded Walker, is very unhappy with her husband, I saw her in London the day before yesterday, poor thing, she is evidently lost, and looks more like a corpse than anything else." What on earth this alludes to, it is impossible to tell.

This young man wrote all sorts of nonsense and fiction, occurring to his own mind only; and this seems something of the same description. "One of the many who have married a man unloved for wealth or station, or because parents willed it, and so lose their peace of mind; she is clever and pretty. Walker is a cold hearted proud man, who makes a wife a secondary consideration, not perceiving that his wife is dying from secret grief, but this will hardly interest you, and my writing is such I hardly like to send it you, let no other eye than yours see it. Once more, dear Mary, keep up your spirits and make yourself happy if possible, I need not again say how much of (indeed all) the happiness of another depends upon you, prizing you more than all else earth can give, if you wish not to make me very sad and miserable, be cheerful and drive those thoughts from you about death, we all must go when we are called, but there is surely no need to anticipate the coming of the king of terrors, and alarming those who love you so much by evil forebodings Such calamity would indeed be a severe which God avert. blow to your parents, how much greater to one, who for the

last and happiest years of his life, has thought of you as his bride; in every hope, and dream, and future plan, you are mixed, and indeed all—what for all my beautiful fabrics to fall to the earth 'twould be too bad, dear Mary, to inflict such a pang. Pray think not of such gloomy things I beseech you, life for one so young ought to be a bright vision; you will say I am moralizing, I will cease. Do not laugh at the various pieces of paper I send you."

I am reading the letter from a copy; but you will find as I have stated, he wrote these letters on mere scraps of paper, sometimes indeed on a fair half-sheet or sheet of paper, but generally upon scraps crossed and in all strange ways, and put them up together and sent them to the young lady. "Do not laugh at the various pieces of paper, I send. You know my fondness for writing on little pieces. Adieu! every earthly blessing be yours; is the sincere wish of your much attached till death, Washington Ferrers." "Postscript.—Please calm all apprehensions as to bills, &c., these I will attend to when I come down. This I add for fear you should be vexing your dear self unnecessarily. This Atkins brings. Write and say how you are, he will post it. Let no one see this, 'tis so bad a specimen. Adieu, dearest. 11th February, 1844."

There is another letter which came shortly after, some portions of which I will read to you, not wishing at present (as they must all be brought under your attention) to detain you unnecessarily, at the present moment:—

" Dearest Mary-"

Mr. Crowder.—Date?

The Solicitor General.—There is no date, I believe; no great time after the other. "Dearest Mary,—Your parcel and last note reached me the day ere yesterday, and though much engaged, I write immediately to thank you for them. The handkerchief I shall prize above all other handkerchiefs." I told you she had sent him a handkerchief with her initials marked with her own hair. "The handkerchief I shall prize above all other handkerchiefs. Thank you much, dearest. Your note I have read and re-read. I am grieved to hear so ill an account of you—not from your note, for that says nothing, but from my brother,

whom I saw, and who told me he had seen you." That is the brother Devereux, who seems from time to time to have had a good deal of communication with his brother, my Lord Ferrers, on the subject of this young lady. is the reason of all this, that you should be so ill, by day and by night; it haunts me. I have thought for some time you have not seemed yourself; but when I ever asked you, you have always most dextrously turned the subject. Now it really distresses me very much, and vexes me too. You are so very reserved, and never tell me anything, though you must know how anxious I am about you, or you, at least, ought to do. Really I think it unkind never hardly mentioning in your note your being out of health. Now do write soon, and tell me if you are better, for I shall not be down in the country for perhaps another week or fortnight, unless I come down one day and return the next, to see you; but I hope you will shortly be better. Do not work, do not do anything to tire you, but get well; would it not be well to go to some watering-place for a month? I think change of scene would benefit you. What does Taylor say of you? I have foreseen this some time, and told you how careful you should be. No doubt you have caught cold from not wrapping warmly. Naughty girl, so much as I have said to you about it. Really, dearest, do take care of yourself; surely all will be right by May, for you know then you are to be mine, and I shall have to watch and take care. Then will it not be joy and happiness for me to have you quite mine own. Dear one and most beloved, remember, health is the first consideration. Oh! take care of your precious self. Evelyn (Cousin) is appointed guardian to the young Hastings; you would see, perhaps, in the papers, with several other gentlemen. I often go to hear the speeches in the house; really it is a great treat, and what you would like, and your father too, much, I fancy. When we stay in London for our marriage, he must come up, and then he will have the pleasure of hearing his friend Sir Robert speak."

Then there is an observation about a young nobleman, whose name is introduced here, I do not trouble you with any reference to it. "I have sent to C." Chartley, I sup-

pose.—"a dozen very pretty chairs, and a large swing glass for your especial use, fair lady, and have ordered furniture for your own room. I am going to Brighton for a day or two to see my sister who is very unwell, then to Eatington on business with Mrs. Shirley, so it may be some days or a week or two ere I see you; at all events, you will hear from me again, telling you of my movements."

Here is another young nobleman alluded to, I do not trouble you with that, it will be read by and by. He proceeds,-"I think the fashions here are much the same, the bonnets not very pretty; plumes are universally worn. Went to see the Bohemian Girl again; 'tis very good -see very much of Evelyn, and Mrs. Shirley comes to town next week. I have been trying to get a beautiful dog for you." Something about an Italian greyhound, he says-"Since I have been here my head has been most painful—that foil and Harding. I suppose you would wish the conservatory purchased, for we must have beautiful flowers, being both fond of them. You should receive more books on Saturday, I have ordered them, for then they will serve to while away the time; I shall not tell you what they are, you will see. If there is anything, dearest, you would like or wish for, write instantly and say to me, then you shall have it. I shall write soon again to you, if I do not come. Let no one see this scrawl. And, dear Mary, begging you to take every care of yourself, and not teaze about anything, nor put yourself about at all, for it is great nonsense."

There is a good deal more here talking of various things and people that will be read by and bye. He ends—"I am reading much now, as I really find myself wanting here amongst all these great men. I was surprised to find what a good Italian scholar Evelyn is; he knows it well, the language. Adieu now, dearest. Ever think of me as your own truly attached Washington Ferrers. Remember me to your sister Ann. Adieu."

Here is a third letter dated Sunday, which came some time about March or April—"The second handkerchief has been received, dearest Mary, and with it your own kind and sensible note; 'tis good to hear from you, best

and most beloved, and those notes make me more than ever satisfied with she whom I have chosen for my future wife, only for the shade of gloom contained in them do I get into what is vulgarly termed a fidget and wander; but of this no more. I must now tell you I have been for three days confined to my bed with pain chiefly arising from my arm. I am now better, but still in pain; but, dear Mary, do not let that alarm you. I shall soon be quite well again. The Shirleys are very kind to me. I hope next week to have finished my affairs here, but eannot tell when I shall see you. But you will hear from me again if I do not come down. I think the cold took my hand when I travelled to Eatington, for I have never I hope you are indeed better than when been well since. I saw you. Remember your promise to me; if there be anything you wish for, pray do not scruple mentioning it. Recollect all I have is at your command, for all the world be nothing without you, more precious to me than all else earthly."

There is a good deal about things and people, and so on, that would show what he has been reading, and some plays he has been to look at-"Shall we not have much pleasure in going on the Continent, to Italy, or where our fancy leads us. Surely you will be recovered sufficiently for the tour. I can assure you, Ladye, I do not mean to wait longer than June at latest; but we will yet look for the accomplishment of those hopes dearest to me in that bright month of all others, May. Will it not be surprise to all the people round, the sudden bridal, my own and only love-how dearly I prize thee, and how much I think of thee, this hereafter must prove-I cannot tell thee sufficiently all I feel for thee. Would, Mary, I were sure thou felt half as much for me. My home will, indeed, be a home when thou art in it to brighten every thing."

There is a great deal more here of similar expressions: he says at one part of his letter—"If I am at all fit I shall be obliged to go to Derbyshire next week to see, amongst others, Jessop, my confidential attorney, one of the tribe whom Evelyn calls blood-suckers to we young and in-

discreet people. Nevertheless, they are very necessary beings, and I cannot do without Mr. Jessop. I had the other day a paper sent me that is thrown in at Mivart's containing a long paragraph about Needham, &c. I should not think it was meant for me. It was handed by a very common looking person. The account was about a kind of carriage." And so on—"I must have a new carriage built for us in the Spring. Our wedding will be a quiet one; but we will have a handsome carriage and beautiful greys."

Then there is a quotation from Byron which I do not trouble you with. Here are allusions to another family which likewise, at all events for the present, I omit—"The post has just brought me a letter from D

written with his usual sense; he is certainly clever and full of foresight, my brother, and really one to be proud of. The query now is shall I be presented at Court this season; I am yet undecided, D much urges it, and perhaps it would be better. It requires thought, however; look next week for my name, though I know not whether it will be there. I do not like the thing, but it must sometime be passed. Now, I will say adieu; write to me as before per Chartley sometime soon. Write more fully, and allow me as ever to remain your sincerely attached friend, Washington Ferrers."

Gentlemen, in the order of dates there is now another letter, not written to the young lady herself, but written to her father, under circumstances which I will now state to you, and I must invite your particular attention to the very brief detail that I have to give to you of this part of the case; because it has been made, or it will be made the subject of an attack upon the character of this young lady, which, I think, considering whence it comes, and from whom, is cruel and unjust in the extreme. You may already have observed in some paragraphs of the letters which I have read to you, there is an allusion by this young nobleman to his having lost what, to some of us, may seem a very large sum of money—something about £5,000 at gaming; and there is an allusion then to his

being somewhat cramped in pecuniary resources; -you find also he mentions something about bills. The history of that is this:-He now and then made some presents to this young lady; he observed when he met her occasionally that she was not dressed as finely as suited his taste, and he wished her, as presents from him, to have various articles of dress; but as he alleged, at least, from want of money, that he could not command the money at the moment, he desired her to purchase these articles as he pointed them out, or as he named them, and to consider them as presents from him. She did so, and expected from time to time that he would furnish her with the money to pay for them; the money, however, was not forthcoming. Unhappily, Gentlemen, from that sort of shame which, perhaps, some of you can understand, would be in the mind of a young girl who was courted by a man with a coronet,-by an earl-she did not like to tell her parents when they saw the little articles of dress and other things that she had had. She did not like to tell her parents that her exalted and wealthy lover had not the money, at the moment, to pay for them, and therefore, although she very truly mentioned, and mentioned with some little pride and gratification the presents that she had received from Lord Ferrers, she altogether withheld from her parents the circumstance that she had been obliged to buy them herself.

Gentlemen, some person from whom she had purchased some of these little articles: they were altogether of no very great amount, something about £100, everything put together, some of the persons from whom these articles were purchased pressed for their money. She had written to Lord Ferrers, and you will find there is one allusion in one of the letters that I have read, of course she would naturally write in rather delicate and reserved terms on such a subject; saying anything that might occur to her own mind to give him a hint the money might be wanting, but certainly not saying anything in the way of complaint; and you do find in one of the letters that I have already read this expression in a postscript: "Please calm all

apprehensions as to bills, &c., these I will attend to when I come down; this I add for fear you should be vexing your dear self unnecessarily."

However, Gentlemen, he did not come down, and she did vex herself not unnecessarily, for people became importunate, and she was in a state of actual misery as to what to say to her father and mother; keeping up the same sentiment of false shame, and yet one can't help feeling that almost natural shame for a girl so young under such cir-She did not like to tell her father and cumstances. mother that she had been obliged to purchase these presents upon her own credit, although Lord Ferrers was afterwards to pay the money; and the result was that she was tormented to a very great degree by persons who had claims for these small sums of money. At length she was obliged and compelled, from Lord Ferrers not sending her the money, to tell the whole truth to her father; and to say: "I have bought a number of these things—they are presents from Lord Ferrers, and he is to furnish me with the money, but he has not done so." And the result was that her father, who became extremely uneasy-I have stated to you, Gentlemen, that he himself had at first entertained serious apprehensions when he saw a person so far above his daughter in rank and station paying court to herwhen he found, at last, instead of coming forwards openly, as a nobleman ought, and openly doing all that a nobleman would and should preparatory to marriage, that he had allowed her to contract bills, and to, in fact, bring her into this state of discredit, vexation, and indeed some degree of discredit, at length wrote to Lord Ferrers himself, and upon that he received this answer, which I will now read to you-

"Sir—It is my will and wish to instantly pay for all at Tamworth as soon as may be. This much I say, and I feel very grieved that any such indiscretion of mine should have cansed vexation to Mary. Allow me to remain truly yours, Ferrers."

He wrote that letter, and the result, Gentlemen, was this: he did not send the money; the people who had furnished the articles, to an amount of no great importance, perhaps, to Lord Ferrers, but of some importance to them, still pressing for their money. It was arranged that the money should be borrowed of the grandfather of Miss Smith, a gentleman of the name of Erpe. The money was borrowed accordingly of him, £100, to pay these bills, and some satisfaction was given; I do not enter into that now, in the form of an acknowledgment by Lord Ferrers to Mr. Erpe, to satisfy his mind that the money should be duly repaid to him. I believe on that transaction at this moment an action is depending between Mr. Erpe against Lord Ferrers. I merely allude to it, and then I pass it by, as having no further reference to the matters of this cause.

Gentlemen, before I conclude this part of the case, I must state to you something connected with the matter of these bills, which of course one cannot look upon but with great regret, and which I think it right to state to you at once, in order that as far as you can condemn this unfortunate young lady, for having in a moment of shame and weakness, given way to a departure from the strict line of what was right, you will do so; but, I think it will little become Lord Ferrers, who had exposed her to this discredit, who had brought her into this difficulty, to make it a topic of aggravation, or of reproach against her; it was this: I have stated the grandfather advanced the amount of money, the demands were paid, but there were one if not two, there was one at all events which had been forgotten at the time, a bonnet that had been supplied by a person of the name of Wyman, and Lord Ferrers having authorized the arrangement of these matters; I suppose he had heard nothing on this subject; but sometime after all these transactions, even indeed after the perfidy of Lord Ferrers had become apparent by his marriage with Miss Chichester, and when consequently all the hopes of the father were at an end, and when every kind of unhappiness prevailed throughout the family, it turned out that this Miss Wyman or Mrs. Wyman, had supplied a bonnet which had been forgotten, had not been included in the arrangement, and in respect of which a bill was sent in, and some application made to Miss Smith.

Gentlemen, she had communicated with her father; her

father was not a man in good health, he was not able in general to rise until the middle of the day, all these circumstances together operating on a weakly constitution and infirm state of health, had rendered him irritable; he spoke on some occasions, connected with these bills or these demands, in terms of great irritation and indeed of great violence to his daughter; threatened her, and alarmed her, and put her in a state of pain and agitation, which really it is difficult to describe, and in an unfortunate moment she not only concealed from her father that there was this little outstanding bill, I believe only of 30s. due to Miss Wyman, but she positively denied she had ever ordered the bonnet at all to Miss Wyman. Afterwards of course, on a little calm reflection, she felt that she had done wrong, and that she would be exposing Miss Wyman to the suspicion of having stated the thing that was not the truth, she confessed of course, to her father or mother, what the truth was, that she had also ordered this bonnet, that it had not been included in the former settlement because it was forgotten, now it had come forward she was afraid or ashamed to tell her father, so she said the thing that was not; she said she had not ordered the thing at all; but on returning reflection she felt determined to do what was right, and tell the truth, and accordingly the bonnet was paid for. There was an end of that transaction, my friend may make the most of it, he may say: "this is a young Lady who would deceive her own parents," if you please. I admit she did in a moment of shame, weakness, and terror certainly do so; let my friend make the best of it. The case, Gentlemen, on that point will be in your hands, and although this is a sort of interlude, I introduced it because I had arrived at the letter alluding to it.

Now I pass from it to the remaining points. He writes dated 26th, of what month does not appear,—all these letters, not to embarrass myself and you as to dates, of which we can give no precise evidence; all these letters are between January and July inclusive, the precise month is not very material.

"Dearest Mary-You will I fear think me remiss in not sooner replying to your last kind note, but the contents

assured, dear Mary, of my dearest love, and that it is my fondest wish to make you my wife right soon, and for us to go to the Continent after. This note you need not shew any one unless you please; I am writing in such haste as my cousin is waiting for me; I am now for a day or two at the Deanery; it will be a week or two ere I come home; on receipt of yours, and so on, I have no news to tell you." And then he concludes thus: "I heard from Theodore Echalaz some days ago, through my sister; he is trying for Austrey I hear. Adieu, dear love, from your fondly attached Washington Ferrers. Deanery, Bangor, April 30th."

Then there is another letter, Gentlemen, which is also without date. "Mary, dearest and ever beloved, I received your note yesterday, thank you for thus writing; I cannot come, and I have much to say. Why have you ever doubted me? Is there not one being who will think well and rightly of me in this world." Then he goes on very much in the same strain, and uses here an expression as to something that appeared in the newspapers, and which was the very first circumstance which at all raised feeling of real doubt and alarm in the mind of Miss Smith herself. He says, " remember you are solemnly pledged to me; you may not, cannot break that pledge. you must be mine; I care not for aught else on earth but you; no, I say nothing, but you, you alone for my wife. The papers they say reports you say whispers of my union with the Welsh Lady." And I presume that about this time the newspapers did contain some allusion to a supposed or intended marriage between this nobleman and a young lady (whose name I of course forbear to mention, though it possibly may be mentioned in the course of the cause) who was residing in Wales, and was of a Welsh family. He says, "What will not report say, what lie will not the papers tell: I solemnly assure, repeat the assurance, there is no truth in it, any of it. If you will not believe my word, I am sorry, I can say no more. If your cousins will not come to our bridal, let them stop away; we can do without them; let mystery cease, when I come to see you, it must; after the review I will come;" and so

Then he concludes by saying, "My faith and firm trust is with you; listen not to all the people say; Mary, my own beloved, God grant we may hereafter make up to each other for all. Now I will come after the review, and people may say what they please; I will then talk to Mr. Smith about our wedding. Adieu, your own truly attached, Washington Ferrers." And then he adds in a postscript, "This note is not fit to be seen, for it is illegible, and written in haste, adieu." That letter is dated from Chartley Castle, but not at any time. There is then another letter, as to which I will only refer to the beginning and the end. It begins, " My dear Mary, circumstances have lately occurred which will render the putting off our marriage really convenient to me for the space of one or two months." This was just after something had appeared in the papers. There was a letter of alarm written by Miss Smith to Lord Ferrers in consequence of it; there was then the answer which I have just read to you; and then comes this letter, talking of putting off his marriage for one or two months. Possibly we may find out in the course of the cause what was going on during the one or two months. " I do not so much regret this as I should have done, as I think in that time your health will be more firmly established; and the first or second week in August will suit me: now I am full of trouble; my steward Eld talks of leaving my Lordship, and Mr. Arden too. Now I well know whom to thank for these and divers other kindnesses." Then he concludes, " have you left off bathing at Ashby; you will see a fine rigmarole in the papers about the Lichfield business; I dare say I shall see you soon, or write; if I do not at present; ever with undivided affection, your own There is then another letter. Was. Ferrers. Chartley." which is altogether without date, merely beginning thus: "Mary, my own, that is to be my wife; be not angry with me that I have thus written, you know it would not be advisable to leave England without feeling sure that things at home went on smoothly." That is in allusion to something in a letter of hers, to which I do not further advert. Then he adds, "once more, adieu, send the bearer back instantly, if you meet him, adieu: from yours till death, Washington Ferrers. You had better tell the person you have engaged as waiting woman, the first week in August her services will be wanted." I have stated to you, Gentlemen, partly on personal communications, as to which I can give you no evidence; partly from letters, which will leave no doubt as to the facts in your mind; every preparation for the marriage had been made, though thus postponed for a month or two; and among other things he had desired her to engage a maid to attend on her own person; and you will find that in obedience to his desire a person in that capacity was actually hired and engaged by her father to attend upon her. He alludes to it here, "you had better tell the person you have engaged as waiting woman, the first week in August her services will be wanted." Then he says in another, "My dearest Mary, you must have been expecting me ere this, and I should have come, but have been obliged to go up to town, tomorrow I am going to London. Enclosed you will find a note for your father, which please give him." Gentlemen, I ought to observe with regard to this, and the letter which it enclosed, and which I will next read to you, that some considerable, but I am sure you will feel natural, apprehensions, had arisen in the minds of the father and mother of this young lady when the marriage was put off. It had been all along intended, she had been assured, the time was his own choice; that he desired to be married to her in May, and you find allusion to that time, more than once in several of the letters which I have read to you. about that time, that is, the end of April and beginning of May, that paragraphs first appeared in the newspapers. hinting at some possible or intended marriage between Lord Ferrers and some other young lady. She wrote to him in great anxiety and terror on seeing these paragraphs. He answered as I have told you. But while he answered the letters in this way, dispelling alarm on one ground, he created alarm on another ground, not indeed in her mind, for she always confided in him, and never to the last hour doubted in the slightest degree his assurance that he would make her his wife. But the father and the mother, as was natural for them, were still unsatisfied; still in a state of

feverish apprehension that something was going wrong, or that something would go wrong; and at last, after that sort of family discussion which you may well suppose would naturally take place, they determined to write; and the Father did accordingly write to Lord Ferrers, demanding an explicit declaration as to the time, and the fact of his marriage with his daughter. He did that which I think any one of you, the father of a young lady in that situation, would have done, and which he felt it his duty to do. He received in answer to that letter, a letter which was enclosed in this which I am reading, but which I will read to you now as not out of place. It is of the date, I think, of the 24th I find I have fallen into a little inaccuracy in this way. The father himself was dissuaded from writing before this letter came, but insisted on the daughter writing, and the daughter it was who wrote, and it was her letter which produced this, addressed to her father, enclosed to herself. The letter written to the father was upon the receipt of this. Here is Lord Ferrers's letter to Mr. Smith. the father.—" My dear sir,—This note ought to have been with you long ago, but 'better late than never' is the old May it apply in my case. Without entering into particulars, I am aware you know that in secret I have long sought your eldest daughter; now, openly, I ask her of you for my wife; I hope you will not refuse me her. Ere this I should have come personally to have made this request to you, had not untoward circumstances prevented. I hope shortly to see you, then, if convenient, we can arrange about her settlement, &c. I have mentioned August as the month to her. I hope when we meet everything, all things, will meet with your approbation, and that of Mrs. Allow me to sign myself, very faithfully yours, Smith. W. Ferrers. Chartley, June 24th." This letter was written to the father, and perfectly satisfied his mind; the letter which I thought preceded it, he wrote afterwards. It will be proved, that an answer to this was written to Lord It possibly may be produced when called for, and then you will have all that part of the case before you. That letter was enclosed in the one I was reading, in which he says-"Enclosed you will find a note for your father, which please give him. Since I saw you I have been very unwell, but again am in tolerable health. I trust you are keeping up your spirits, for in August we will go from England. You would see nothing about me this time as to the review; I shall, I think, go out; but more of this when I see you, which will not be long first, though I don't know how long I may be in town. The colour of our travelling carriage is blue, it will be a very beautiful one, and I hope will please you." Then he goes on to talk about the Tories again and politics.-" I hope your father will excuse the writing of the note." And then a great deal written in very affectionate terms; and in one part, again, in allusion to her complaint on the same subject, he says,—" Do not listen to what report says of me; I will try by my conduct to prove to you they have spoken falsely, and that you will never sigh for your present home. My whole thought will be the desire to see you satisfied and happy—my only hope. What can I say more? Would it not be well for you to go out for a week or two? Do try and get quite well. Write soon to me at Chartley; I shall, if I stay in town, write from thence. Evelyn does not know of our engagement. Devereux I have written to. Eld, I think, will stay with me, not Arden. Perhaps I may take my seat before we are married. Will your mamma see about your waiting-woman for you, dearest. Old Neville, of Tamworth, shall make your settlement." (That is a solicitor at Tamworth.) "But when I see your father, then we will have all these things over. Pardon this writing, my candles have gone out. Adieu, dearest! write soon. From your ever attached Washington Ferrers. Chartley Castle, June 24th."

Gentlemen, I believe the last letter which she received from him, or at least the last which has been preserved, I now propose to read to you, that was dated July 13th.

"Shirley, July 13th. My own Mary—what will you think of me? what say, that ere this I, your future husband, have not been to see you, or written. I should have been with you now, but have been laid up for the last ten days"—"having been really very ill at the Shirleys, continued fainting fits, and I am now better. I have taken

rooms at the Granby; and as soon as I am able to travel shall be with you. I should have come on Monday, but I was not well enough; and am dying to see you; you must make a longer stay at Harrowgate for me to be with you, dear one. Your note I thank you for-your kind, sensible, and amusing note-which was forwarded to me. Tuesday evening or Wednesday you will certainly see me; for though I am yet ill, I will, if Knight will let me, come to you, and I hope we shall have a happy time together. Remember me with all respects to your mamma; say that I should have been with you on Saturday, but, instead, had the pleasure of being bled. My own beloved one, dear above everything else on this earth, think of me. often think of me, for my thoughts are constantly with you, my own. Do not be surprised if I come quite incog. and stay with you at the Swan. Remember you the quantity of wigs, and the potent stain of the walnuts?" I believe, among other wild eccentricities, he had been in the habit of dyeing his hair and whiskers with walnuts, and so going out for a frolic.—"Look out for me on Tuesday, I mean Wednesday, if not, Tuesday evening. Tell mamma to look well if she will not recognize me in the pale and sallow young man she may meet at the Swan; till then, adieu, my own, my promised bride, adieu! D--- has been at York. Ever yours till death, Ferrers." Now, Gentlemen, shortly after this letter was written, I believe the family of the Smiths had been to Harrowgate, and they returned, and very shortly indeed after the receipt of this letter; I believe, before Lord Ferrers had ever come to Austrey again, or, at all events, before I am able to prove any interview had taken place, the whole family read in the newspapers the fact of his marriage with Miss Chichester, and ascertained that it was the truth.

Gentlemen, I have already said to you this is not a case in which it is at all necessary for me to comment at any length, or at all, upon these circumstances; I have stated to you without reserve or concealment the origin of their intercourse; I have stated to you all that I know—that is, all that those who instruct me know, or have been able to ascertain, with regard either to Lord Ferrers or any of his

family or any part of his conduct! I shall be able to prove to you their occasionally meeting. The letters themselves will prove—the result of those meetings,—will prove the declarations of unchangeable attachment, so often made by Lord Ferrers to this young lady; they will prove also that which will be more than abundant evidence of the promise of marriage, in respect of which this action is brought; and in an ordinary case, the only remaining question would be for you to determine what damages you would give for the undoubted breach of promise.

I ought, perhaps, to allude for a moment to one plea upon this record—I scarcely know whether my friend means to insist upon it—I cannot say I think for a nobleman it is a worthy course, even to put such a plea upon the record of all,—I mean the plea that he was an infant.

The Attorney General.—That is admitted, and then you plead a subsequent promise; therefore that plea is out of the question.

The Solicitor General.—It is quite out of the question upon the record, only I am obliged to advert to it, because from the mode in which Lord Ferrers has compelled the plaintiff to reply, as it is called, upon this record, I am bound to prove to you something amounting to a promise of marriage after he came of age. Now he came of age, as I stated to you, in 1843; any one of these letters, I am sure, will be abundantly satisfactory evidence to you that he had engaged to marry this young lady; and more than one of them, though without dates, evidently allude to these pending circumstances, which we know, as matter of public history, never took place till 1844; for example, the allusion to Mr. O'Connell's trial; therefore, as that was going on throughout the early part of 1844, and as some of the letters are evidently written during those proceedings, it is manifest there is the clearest and most positive evidence of a promise to marry some time during the year one thousand eight hundred and forty-four, and therefore after the earl came of age. I pass by, therefore, that topic. venturing to express my great regret that any nobleman in this country should have descended to meet such a claim

as this by such an answer; and it would be now my easy and less painful duty to have closed my address to you, and to proceed to call witnesses, who would have established the meetings of the parties, and the hand-writing of Lord Ferrers to these letters, and with perfect confidence to have left the case in your hands, but that I should do great injustice to the young lady I represent if I withheld from you, in this my opening address to you, all allusion to what I understand is to be the most extraordinary, and to me the most inconceivable defence that, at least within my little experience, I ever met with, heard, or ever read of, in a court of justice.

Gentlemen, you who have heard but a small part of these numerous and lengthy letters read to you, will perhaps participate in the astonishment, which when it was first professionally suggested to me, I felt, when I tell you that the defence to be set up to this action is, that Lord Ferrers never spoke to this young Lady in the whole course of his life, and knew her not, and that all these letters from beginning to end, are one tissue of fabrications and forgeries; that, I understand, is to be the case. All I can say is, Gentlemen, if that be so, we shall have learned, or at least I shall have learned something that totally surpassed my previous belief in the possibilities of human occurrences. that a young girl at this time about 19 years of age, could conceive the strange and the atrocious design of entering into a conspiracy, and making her parents and all belonging to her, parties to that conspiracy to make a false claim on a young Nobleman, and to carry into effect that scheme by what? by that which I will undertake to say the most skilful and the most experienced, I will not say fabricator, but imitator of hand-writing and documentary matter never would attempt, or if attempted would retire from in utter despair: and let us look for a moment to the internal evidence of the letters; I can imagine that if any one were wicked enough, and bold enough, to determine to commit a forgery of a promise of marriage in order to extort money by means of conspiracy and perjury, (for it could be done in no other way,) from a young Nobleman; I can imagine that such a person might forge a few lines, might somehow or other

obtain possession of the handwriting of the person in question, and might have the skill to imitate, to fabricate two or three lines, or a note, or a signature, or something which would import a promise of marriage; you know two or three lines would be quite enough, one of these little scraps of paper, any one out of a hundred that will be produced before you with "when you are my wife," or "our marriage," or anything of that sort; three words would be enough, that one can conceive the possibility of a person making: but, Gentlemen, is not the charge upon the very statement of it something approaching almost to madness, for a young lady to sit down and forge, that is to imitate the handwriting of a gentleman, of a man, and that not to a signature or to two or three words, but to a long series of letters, of the number and of the length of those I have laid before you. Gentlemen, I know not how this strikes you at the first consideration of it, but to me it appears perfectly incredible that any one, even if it were a professional imitator of hands, an inspector of franks, a person accustomed to consider hand writings, to compare them, to imitate one from another, and in fact accustomed to that occupation; one can hardly suppose that even a person of that kind would be meditating a design, meditating the production, for they could be of no other use, the production of such documents in a court of justice, and open to public inspection, and to cross examination, open to contradictory evidence, instead of contenting himself or herself with a line or two. such as I have described, which would answer every purpose. that he should expose himself to attack in every one of the ten thousand lines of writing throughout the papers; however, so it is. I understand, Gentlemen, that that is to be the defence.

Now let me state to you, and I will do so quite briefly, the sort of evidence which I mean to lay before you. I shall call before you, not indeed all the witnesses whom I wish that I could venture to call, some of whom you perhaps may think, before this cause comes to a close, ought to have enabled me to call them, persons alluded to in some of these letters, members of the family, or intimate friends of Lord Ferrers; but, Gentlemen, we are dealing with no equal

weapons here, this is no equal conflict between this young girl and this noble Earl; several to whom we have applied who might have given evidence, who may give evidence for aught I know, refused to give any information, I mention one particularly, whose name is continually mentioned in these letters, Mr. Evelyn Shirley. It is not for me to impeach his motives. I have no doubt he thinks he has done perfectly right, and I must not be understood to attempt to throw any shade of imputation upon him. I take a different view of his conduct: but I have no doubt he thinks himself right, and he may be right: but as to many important matters alluded to in these letters, and on which he could throw light, we are left in the dark; for though that gentleman states, he shall be in court and ready to answer any questions there, he refuses to give any information before hand, so that the practical effect is this: that the attorney who prepares the case cannot instruct counsel, and such of you as have had any experience in courts of justice, or in causes, must know that no counsel, particularly in a strange and extraordinary case like this, can venture to put a witness into the box, unless he has an account of what that witness can prove, and more particularly when those witnesses are nearly connected with the opposite party in the cause, with a very natural wish in their minds, to do all in their favour that their consciences will enable them to do. It is the same thing with regard to Adkins; these letters were sent, none of them direct to Miss Smith through the post, but principally through a person named Adkins. We have every reason to believe they were sent from Lord Ferrers, enclosed to Adkins by the post. Certainly we find that Adkins received a great number of letters; and as we think we shall shew, from Lord Ferrers, during the time this correspondence was going on, but he has been all his life in the service of Lord Ferrers' family, and is now, and was then in the employ, and dependant on Lord Ferrers, supported by him, and altogether mixed up with him in a way, that without knowing his evidence I could not venture to call him as my witness. It would not become me to call Mr. Shirley before you, because I have not been able to get at his evidence, and I know not what he might prove; and so on the same ground, I cannot call Adkins.

But, Gentlemen, we have evidence. I shall call before you, in the first place, a gentleman, a clergyman of the Church of England, of the name of Arden; if these letters, or one of them, be in the handwriting of Lord Ferrers, there is an end of the case. It is the sole point between us-the sole point! How am I to prove it? I shall call before you the Reverend Mr. Arden, a clergyman and a gentleman, who was, I think, for five or six years, the chaplain of Lord Ferrers,—his constant and intimate friend and com-It is perfectly immaterial to me—there always are points of this sort—It may be said, there have been differences between them. Gentlemen, I shall pass by that.— Any difference between Mr. Arden and Lord Ferrers can be of no consequence here. Unless Mr. Arden is here for the purpose of assisting an unrighteous cause, and a person whom he never knew, or spoke to in his life, until after this action was brought-with whom he has no manner of kindred or connection, or acquaintance whatever-unless, for that purpose, Mr. Arden is to commit perjury, you will see what effect is to be given to his evidence. I shall call before you this gentleman, who was the constant friend and companion of Lord Ferrers for many years, who knew not merely the character of his handwriting, his style of writing—that is the sort of expressions—that he used; (the style you know with some persons, and particularly with a person like Lord Ferrers, is often decisive;) but who knew his habits of thought and action; all his ways; all his strange imaginings—a way of building up fiction upon fiction on any one idea that took possession of his mind. I shall · call before you Mr. Arden who has looked at these letterswho has carefully looked at them-who cannot be mistaken upon such a point; and who will tell you, that in his belief and absolute conviction, they are from the beginning to the end in the handwriting of Lord Ferrers. I shall call before you a Major Majendie-a gentleman, again, with whom the family of the Smiths has no connexion; a gentleman, who, I believe, belongs to the same regiment or troop of yeomanry as Lord Ferrers himself; who has had occasion to see his handwriting; who comes before you as a reluctant witness;—a man of strict honour and integrity,

who comes here in the discharge of his duty, but still reluctantly;—who has seen these letters, and who will tell you, exactly in the same way, that he has no doubt they are in the handwriting of Lord Ferrers. I shall call other witnesses. I need not trouble you with their names, or with a statement of the particular means each may have of judging of the matter in question. I shall call other witnesses, who will all agree that these letters are undoubtedly in the handwriting of Lord Ferrers; and I shall await then the case to be presented to you on the other side, for the

purpose of establishing that they are forgeries.

Gentlemen, I have stated to you also, that within these letters there is to be found internal evidence that they are the handwriting of Lord Ferrers, and which I think, if it stood alone, would acquit this young lady of the dreadful charge, which, in addition to the mischief and the misery he has brought upon her, Lord Ferrers is here, through his Counsel, my learned friend the Attorney General, to make against this young lady. You will find, indeed, much in these letters which is pure fiction and romance. It was a part of the character of this man-I grieve to say it; -- and the more you hear the more you will find. I but state that which will be proved before you, that he did systematically depart from the truth, and could not help it in any long talk or long writing, introducing all manner of fictions and absurd fabrications, and accordingly you find in these letters allusions without number to things and people, some of whom never existed; to others, such as people of distinction, high rank, exalted public characters, with whom in all human probability, he had never associated and never You will find among other things, that from one of those caprices, that there is no dealing with, except by looking to the undoubted eccentricities of human nature, he dates some of his letters at Mivart's. We have reason to think that although he may have gone there, and visited people there, he never lived there at all. Some of them he dates from Chartley Castle, and so on, but in one or two of these letters—and I shall not detain you long—for these observations will, perhaps, come much better at the conclusion of the case:—but I cannot help calling your attention,

just to guide you in reading the letters themselves, and when you are listening to the observations of my friend the Attorney General, to one or two passages, and with that topic I have done. In the very first of the letters, which has been preserved, and which I am able to bring before you, we find this sentence: "If wishes could transport me to you there would be no need of thus writing, but as I am anxious, most anxious, to hear of your wellbeing, and also to tell you, that business relating to my grandfather's will may detain me longer than I thought of from you, I send this."-Now as to any matters of public notoriety, if you can imagine a young lady physically capable of forging a dozen letters like these; one can imagine she might have had information from the newspapers or anything else. which would have been the foundation for these allusions; but how can this young lady, whom Lord Ferrers is to say he knew not; (he concealed this attachment from Mr. Arden, as well as from others;) how could this young lady, just about this particular time, when the O'Connell trials were going on, know that Lord Ferrers had business in London. about his grandfather's will?

How could she know he would have to go to London on business relating to his grandfather's will, or even that his grandfather had left a will at all. But farther on you will find rather a singular allusion-"I hardly know whether to purchase the conservatory at Staunton." Gentlemen, the attorneys of Miss Smith have thought it their duty to obtain a copy of the will of the late Earl Ferrers, the grandfather alluded to, and we find that the grandfather left a will; that probate was granted of that will some little time before, towards the end of 1843; and we find, strangely enough, that a conservatory is mentioned in that will, and it is left to his executors to sell the conservatory. So that they might sell the conservatory, and possibly this young man had some notion of becoming the purchaser. Most undoubtedly it was a matter which must have been agitated in his mind about this time, whether under his grandfather's will or codicil he should buy that conserva-There is another curious thing. We have since ascertained that he had once, in fencing with Mr. Arden,

received a hurt in his hand. Either it was with real swords or with the foils with the points exposed, he had received a hurt in his hand, which very frequently, and for a great length of time afterwards, put him to much inconvenience.

You find, in one of these letters, an allusion to his hand, and then he alludes to the foils and to fencing, and to Arden; though then, again, in some way, it is impossible to understand, he puts down Arden's name, and then it is turned into *Hard*ing, adding an h and a g. But there, again, is an allusion to something occurring to him at home between himself only and Mr. Arden.

And then, Gentlemen, he says, and we have reason to believe that is his case, because he stated something to that effect himself to one of the attorneys engaged on the part of the Plaintiff, and we believe he has made the same statement to one gentleman who possibly might be called a witness for the defence; a gentleman nearly connected with him, but of far too high a character to misrepresent or to suppress any portion of the truth, not merely that these letters are not in his handwriting, but that he does not know the young lady; that he never had any communication with her or spoke to her in the whole course of his life. I shall call many witnesses who will prove to you that at various periods they have been seen walking together; he sometimes on horseback, getting off and leading it; sometimes on foot walking together; and also seen to approach her father's house, which is very peculiarly situated, and approached only by the fields or by a flight of steps from the high road, so that what they set up in answer cannot be true, unless, besides the inexplicable difficulty of imitating the handwriting of Lord Ferrers throughout such an immense series of letters as this, the young lady has also the faculty of prevailing on as many people in various ranks of life as she thinks proper to come forward and commit perjury upon this trial in this Court.

Gentlemen, I shall likewise have to bring in evidence before you, the consideration of a ring having been given by this nobleman. That is nothing in a case of this

nature, unless it is one of many considerations which go to shew the impossibility of a defence like that which is set up being true. I mean that the ring was given which will be produced before you. I cannot prove the actual gift of the ring, but I will shew you that he was known to possess such a ring as that. It is one of a very peculiar form and character, not at all such a one as you would ordinarily buy, but it is one that he was seen to possess. I will produce it, and shew you that that ring is now in It was supposed to have gone this lady's possession. through the hands of a person at Birmingham, and was exhibited to him for the purpose of ascertaining how that was. He does not admit that it is the same ring. That may or may not be. He may have had two of the same kind, but I shall shew you that she is now in possession of a ring which exactly resembles one of which he was in possession, and there does seem something most incomprehensible and incredible in the supposition, that for such a purpose (for it could have been but for one purpose) such a series of things could be done as the forgery of these letters; the pretence of interviews; the making of a ring, for that is what must have been done, somebody else must have made this ring at the instance of Miss Smith, in imitation of a ring which this nobleman had been seen to All these things seem so out of the way of common life that it will be for you to say whether they are entitled to any degree of credit.

Gentlemen, there is only one other consideration connected with these letters, to which I entreat your very particular attention. Those who know Lord Ferrers (among whom he says Miss Smith was not one, for he denies all knowledge between one and the other;) but those who know Lord Ferrers, are well aware of that which may be accounted for if one were to look a little further back into his family, which I am sure I should not wish to do, unless it were drawn by painful and imperative necessity—that however noble and exalted his birth—however ancient his family on one side, he does not enjoy the same noble descent on the other, both his father and grandfather having married persons,—I say nothing against their circumstances, far be it

from my wish to do so, having married persons far below themselves in life. I believe his mother, by whom down to a certain time he was brought up, was a servant in the family of the late Earl or the late Lord Tamworth, his own mother was the person by whom down to the period of her death, which occurred some eight or ten years ago, he was brought up. The second wife of the late Earl was a person of very low degree. I mention these circumstances, because one is apt to look with some suspicion on such strange expressions and habits in one of noble birth on both sides, and brought up and educated as young noblemen in this enlightened country generally are. mention these circumstances to account for a lowness as well as caprice and eccentricity in the habits, thoughts, and actions of this young nobleman. But those who know him know perfectly well that whether from natural incapacity or from a peculiar construction of mind which unfits him for a liberal education—for the liberal arts and sciences. Lord Ferrers is a man whose education is below that of a well-educated charity boy at a national school, and you find traces of it in these letters—you find in them every now and then; it may have attracted your attention, while I was reading them, bad grammar, bad English, a total want of punctuation—in fact those marks and features in the composition of the letter, which I think one would not find in the letter of any well-educated nobleman, gentleman, or man throughout this kingdom. This young lady, Miss Smith, who is to be denounced as the fabricator of these letters, is an highly educated young lady; she had the best education—she would no more have been guilty of the fault of grammar construction and spelling, even in these letters, than any well-educated nobleman just come from the university. However, Gentlemen, so it is; and if evidence should be brought before you to impeach the genuineness of these letters, you will have to consider whether it is not a striking and additional and even conclusive mark of their having proceeded from the hand of Lord Ferrers; that they are from the beginning to the end interspersed with sentences and parts of sentences, which would proceed from a very ill-educated person, a person

who had never acquired sufficient command of his mothertongue to enable him to write a decent gentlemanly letter; if you find Lord Ferrers' education to have been of that class and character.

Now, Gentlemen, I do not think,—while perhaps on the one hand you may pardon me, considering the very deep interest which even I the counsel, representing Miss Smith, must take in the result of this cause, but above all considering the unspeakable and inestimable importance of it to her and to all belonging to her; for it is not a mere question whether she shall obtain adequate compensation for a grievous and cruel wrong upon her, whether she is to depart from this Court stamped for ever with the deepest disgrace and ignominy.

All that, is involved in this cause: Therefore I am sure you will pardon me for having trespassed far too long upon your patience and attention in opening this case.

On the other hand, I do not feel it would become me to make any further call upon that patience and attention. I have stated to you the general outline of the case—I have stated the mode in which the case will be established by the production and proof of these letters—I have given you some idea of the sort of witnesses who will be called before you. I shall call Mr. Arden, Major Majendie, and others, who will establish the genuineness of the letters, and Mr. and Mrs. Smith; not for any important light they can throw on the transaction, because as you perceive from the very nature of the letters, and the intercourse itself, they were not personally parties to these meetings, or witnesses to the interviews between their daughter and Lord Ferrers.

I shall call before you another of the family, who though young, is old enough to remember interviews which have taken place.

I shall call various other witnesses, having nothing to keep back and nothing to dread, but that my own feeble exertions on behalf of Miss Smith may be found wanting in any respect as to her interests.

Gentlemen, I say not one word about the amount of damages, or touching the wealth and station of the Defendant. You can so duly appreciate the terrible wrong, the

dreadful agony and anguish of mind inflicted on this young lady; the total destruction to her prospects, as well as the attempt now to stigmatize her with an indelible mark of shame to the end of her life, as to render unnecessary a single observation from me. The Defendant is a nobleman not only of high rank but of great possessions and of great wealth, and therefore that is an ingredient in the consideration you will bestow upon this case.

But I pass from that to say the case is now before you.

I shall proceed to call the witnesses, and with perfect confidence in your judgment, and in the exercise of your sound and honourable and honest discretion, I will leave this most interesting and most important case in your hands.

## EVIDENCE FOR THE PLAINTIFF.

Mr. Chambers. We put in an admission.

The Associate. We hereby agree to admit on the trial of this cause, that the above-named Defendant was born the 3rd of January, in the year of our Lord 1822, and that he was, on the 23rd of July, 1844, married in the parish church of St. George's, Hanover Square."

## The Rev. Edward Francis Arden, sworn. Examined by Mr. Chambers.

Are you a clergyman of the Church of England?—Yes. Were you formerly chaplain to Lord Ferrers?—Yes.

Were you also intimate with him and his companion for several years?—Yes.

When did you first become Lord Ferrers' chaplain?—About the year 1842, I think.

Was that previously to his grandfather's death, or after his grandfather was dead?—During both, before and after.

You became his chaplain then when he was Lord Tamworth?—As chaplain to the late Lord Ferrers and chaplain to the present.

Was 1842 the earliest period of your becoming the chaplain to the late Earl Ferrers?—Yes. Had you before 1842 been acquainted with the present Earl?—Yes.

When did you first become acquainted with the present Earl Ferrers?—I do not exactly remember the date, but it has been some years; I knew him as Lord Tamworth.

How long did that acquaintance and intimacy that you have mentioned continue?—The intimacy continued from the first time I knew him, from the first time I saw him?

Up to when?—I should think up to the time that he first went abroad.

How long had you known him before he went abroad; when did he go abroad?—I do not know exactly.

In 1840, was it not?—Yes, he did.

He was absent I believe for about two years?-Yes.

Upon his return did you renew the intimacy and acquaintance that had existed before he went?—Yes.

How long did that intimacy that was so renewed after he returned from abroad continue between you and the present Earl?—Between me and the present Earl—the renewal of the intimacy was upon the day of the burial of the late Earl; then I shook hands with the present Earl Ferrers, for the first time after his return.

You met him, and then you became his chaplain?—Yes.

Mr. Justice Wightman. When was the burial?

The Attorney General. Probably we can agree upon that; he died on the 2nd of October, 1842, and probably it was a week after that.

That would be somewhere about October, 1842?—Yes. Then you became his chaplain?—Yes.

Were you his constant companion from that time almost up to the time when you left him?—Yes.

Did you leave him somewhere about May or June, 1844, or July, 1844?—The 29th of May, 1844.

The 29th of May, 1844, you ceased to be his chaplain?
—Yes.

By Mr. Justice Wightman. Did you cease to be Lord Ferrers' chaplain?—Yes, I ceased then.

Where was he staying at the time when you ceased to be his chaplain: at Staunton Harold?—At Staunton Harold.

Has Lord Ferrers then a house there ?—Yes.

Although you left him on the 29th of May, did you continue in the village a month or two later than that?—No. only two or three days, or about a week, or something like that.

Did Lord Ferrers go away from Staunton Harold?—I believe he went into Wales to visit his sister.

Where did you go to when you left him?—I went to Stowe.

How far is that from Chartley?—That is in the same village.

Lord Ferrers has a place, Chartley Castle, there—has he not?—Yes.

Mr. Justice Wightman. The witness does not answer questions.

Has he a place called Chartley Castle?—Yes.

Was it the village of Chartley, in which Chartley Castle is, that you went after you left him?—No; to the village of Stowe, in the same parish.

How far from Chartley Castle?—About half a mile or rather more.

How long did you stay there?—Two or three days.

Now while you were with Lord Ferrers as his chaplain, used you to travel about with him?—Yes.

Had you opportunities then of fully knowing his habits?
- Yes.

His kind of conversation, and his handwriting ?-Yes.

From that intimate knowledge and acquaintance that you had with Lord Ferrers, can you state whether he was a well-educated man, or a man whose education had not done him much good?—His education was rather imperfect, I do not know why.

Was it so imperfect as to affect his style in writing?— That I am not aware.

You have stated that you acquired a knowledge of his handwriting. I believe you have seen several letters, have you not, in order that you might give an opinion whether they were of his handwriting?—I have seen letters written by Lord Ferrers.

I will ask you before I put the letters into your hands, when it was you were first shewn any letters by Mr. Hamel,

Miss Smith's attorney, when was it you were first applied to and shewn any letters?—I was shewn letters in the county of Norfolk, that is where I first saw them.

When was that?—It is more than twelve months ago;

about twelve months ago.

Were you then residing in the county of Norfolk?—Yes.

Had you a curacy or living or what?—I had a curacy which I held, a perpetual curacy; I was not officiating there.

Mr. Hamel, Miss Smith's attorney, applied to you there?

—Yes, I understood so.

By Mr. Hamel's clerk; previously to that, had you known any of the Smith family?—Never.

Many letters I believe were shewn to you by the gentleman who made the application?—Yes.

Had you an opportunity, before you gave an opinion, of looking at those letters thoroughly and carefully?—Yes.

I believe you read portions of them?—Yes, just merely portions.

I will hand you up some letters. (Handing some loose slips in an envelope.)

Mr. Justice Wightman. How many have you handed up?—Mr. Chambers. Only one letter.

Mr. Justice Wightman. I will call that No. 1.

Mr. Chambers. We have had separate copies made for your lordship.

Mr. Justice Wightman. Then he looks at letter No. 1.

The Solicitor General. They are kept in separate envelopes, we have put them in envelopes in this way, that they may be kept together, and put into a white envelope.

What do you say to that, Mr. Arden, do you believe that to be my Lord Ferrers'? (The witness examined No. 1.)—I believe that to be my Lord Ferrers'. (No. 2 is handed to the witness.)

What is your opinion of No. 2, do you believe that?

—I believe that to be Lord Ferrers'.

Mr. Chambers. I am going to give him down to No. 10; there are ten of these marked with numbers.

Mr. Justice Wightman. Ten altogether.

The Solicitor General. Ten to the young lady, and two more to her father.

What number is that, Mr. Arden?—No. 3. (The witness examines No. 3.)

Have you the same belief as to No. 3?—I believe it to be Lord Ferrers'.

Give him them in succession. (No. 4 is handed to the witness, who examines the same.)—Yes.

The same opinion as to four?—Yes.

Without my asking you the question, will you be good enough to say as you look at them, whether you have the same belief?—(No. 5 is examined by the witness.) I believe it to be Lord Ferrers'. (No. 6 is examined by the witness.) I believe that to be Lord Ferrers'. No. 7 is examined by the witness.) I believe that to be also. (No. 8 is examined by the witness.) I believe that to be Lord Ferrers'. (No. 9 is examined by the witness.) I believe that to be Lord Ferrers'. (No 10 is examined by the witness.) I believe this to be Lord Ferrers'.

There are two letters which for distinction we have marked A and B, both these are letters to Miss Smith's father—to Mr. Smith. (Handing letter A to the witness, who examines the same.) I believe that to be Lord Ferrers'. (Letter B is handed to the witness, who examines the same.) I believe that to be Lord Ferrers'.

Mr. Arden, besides having acquired a knowledge of the mere handwriting of Lord Ferrers, have you noticed the peculiar style that he has in writing?—Yes; I have seen it so often I know the style.

Do his letters vary in size?—Yes, at times.

In capital letters and in punctuation is it a little singular?

—It is singular, because he takes no care to do it.

Besides looking at the letters to ascertain whether they are in the handwriting of Lord Ferrers, you have stated that you read some passages. I will draw your attention to some facts stated there.

The Attorney General. No, no, you cannot do that at present, the letters have not been read.

I will ask you a question or two-do you recollect? you say you were with Lord Ferrers after his grandfather's

death as his chaplain; did he at any time go to London about his grandfather's affairs?—Yes, I believe he did.

Can you, at this distance of time, recollect about when that was?—I do not think I can; I took no notice; I do not exactly remember.

Mr. Humfrey. I am close to you, and I cannot hear a word you say.

Mr. Justice Wightman. Nor I.

The Witness. I think it was 1843, or the latter end of 1842.

You cannot recollect exactly ?—I think it was 1843.

Did you ever hear Lord Ferrers mention the name of a person of the name of Monks?—Yes.

What did he mention him as?—He mentioned him as Captain Monks.

Did Lord Ferrers sometimes fence ?—Yes.

Do you recollect any accident happening when you were fencing with him?—Yes.

Where was it that the accident happened?—At Staunton Harold.

Can you recollect when it was?—Not decidedly,—in the year 1842, after his grandfather's death.

What was the accident that happened, Mr. Arden ?—I cut his finger with the sword.

Were you fencing with swords?-Yes.

How came that, Mr. Arden?—I do not know; it was only done in fun.

My Lord Ferrers is so eccentric that he would actually fence with swords?

The Attorney General. I trust that is not a specimen of the mode in which the examination is to be conducted.

Mr. Chambers. Certainly not, if you object to it.

You have stated that you hurt his hand?—Yes.

Did he suffer from that afterwards, or only for a short time?—He suffered from it for a considerable time.

Did he occasionally complain of it long afterwards?—Yes.

Do you know a Mr. Jessop?—Yes.

What is Mr. Jessop?—An attorney, or solicitor.

Is he Lord Ferrers' solicitor ?-No.

Where did he live?—At Derby.

Do you know of Lord Ferrers having gone to Derby to consult Mr. Jessop several times—used he to go to Derby to consult Mr. Jessop or his attorney?—No. I called with Lord Ferrers on Mr. Jessop as a friendly visit.

You recollect calling with Lord Ferrers on Mr. Jessop on a friendly visit?—Yes.

Did you ever hear Lord Ferrers speak of a person of the name of Needham?—Yes, I have heard him speak of Needham.

Who did he say the Needhams were? — I do not know to whom he alluded,—I suppose he alluded to a female.

The Attorney General. Never mind your suppositions. He used to speak of the Needhams?—Yes.

Have you ever heard him speak of a Welsh lady?—Yes, I have.

I do not ask you the names. With respect to the Welsh lady, what has he said?—That he intended to marry her.

Before you left him, was there any question about Mr. Eld's leaving?—Not that I am aware of.

Do you recollect anything being said about Mr. Eld?—Yes; I recollect his speaking about Mr. Eld, nothing particular about his leaving.

What was Mr. Eld?—He was Lord Ferrers' agent.

Did you ever hear him speak of the death of the Vicar of Austrey?—Yes.

Who was that gentleman ?—A Mr. Bass.

Did he say who had been appointed in his stead?—No. Who succeeded you as chaplain?—Mr. Cottingham.

Tell me how far is Austrey from Staunton Harold?—I am not sure; I should suppose eight or nine miles, or less, perhaps.

How far is Chartley from Austrey?—I should think thirty miles, and upwards.

Did Lord Ferrers ever disguise himself, do you recollect?

—Yes, I have heard of it.

The Attorney General. Heard of it!

In what way did he disguise himself—have you heard it from him?—I have seen it done.

How did he use to disguise himself?—Oh, in various ways.

Give us the description; did he wear wigs?—No, not that I am aware of.

How did he disguise himself?—After the fashion of the Wales people—after the fashion of the toll-gate breakers.

What did he do with his face?—He used to put moustachios on.

Describe his dress?—A night-shirt over his face; and he used to put black on his face and whiskers.

What used he to do with his face?—And tie his pockethandkerchief over his hat.

Did he go out of a-night?—Yes.

Was he in the habit of doing that?-Yes.

Did you ever see Lord Ferrers wear a ring?—Yes.

Look at that ring.—(producing a ring.)—I have seen him wear one like that.

Is that like it?—Yes.

## Cross-examined by the Attorney General.

You say you were chaplain to the late Lord Ferrers, who was grandfather of the present lord?—Yes.

Where did you do duty?—At Stowe first, and of course at Staunton Harold after.

During the late lord's life, did you officiate at Stowe or at Staunton Harold?—At Stowe and Staunton during the lifetime of the late earl.

How long before the late lord's death was it that you changed from officiating at Stowe to Staunton Harold?—The time I left Stowe for Staunton Harold would be from February to the latter end of October.

By Mr. Justice Wightman. In what year was that? —1842.

Then, from February to October—when was it—before the late lord's death, or not? He died on the 2nd of October, 1842?—I left Stowe in the time of the late lord's life.

Up to the time of your quitting Stowe, had you resided

at Chartley Castle, or did you live in a house at Stowe?—
I lived in a house at Stowe.

What distance is Staunton Harold from Chartley?—

They say about thirty-two miles, upwards of thirty.

In the latter part of the late lord's life, and during the time of the present lord, when you officiated, you officiated at Staunton Harold?—Yes.

Did you live there?—Yes.

You were not living as chaplain under the roof in Chartley Castle?—No.

Thirty-two miles off?-Yes.

You came occasionally on visits to Chartley Castle, or was it at Staunton Harold you saw Lord Ferrers?—Oh! at Chartley Castle very frequently.

And at the other times at Staunton Harold?—Yes.

Has Lord Ferrers any furnished house at Staunton Harold?—Only a room or two.

His lordship comes there only for the purpose of shooting occasionally?—Yes, occasionally, that is all.

Stayed a day or two?—Yes.

And was it upon those occasions, or when you saw him at Chartley Castle, or both, that you spoke of these disguises?—At both.

Was it to amuse you or what that he dressed up in this way?—I am sure I do not know.

Was it to exhibit himself to you in that dress?—It was only a bit of fun I suppose.

Were you disguised at all?—Yes, I have been so many times.

Pray in what way have you been disguised yourself many times?—I took my shirt off my back, and put it outside my coat, and tied a pocket-handkerchief round my hat.

You did what?—I had my shirt outside, and tied my handkerchief round my hat.

And did you go out; did you sally out in this disguise?

—I believe I did as far as I can recollect.

Do you mean to say it was at a time when you cannot recollect what you were doing?—Oh, yes, I knew very well what I was doing.

You could tell me whether you did go out in that dis

guise or not?-Well, I forget exactly.

You forget exactly! Pray attend; you have told us Lord Ferrers went out in a disguise, which you have described, are we to understand that you went out in a disguise, which you say you assumed several times?—Yes; but I do not think I wore it the whole night.

I do not ask you, sir, how long you wore it, but at the time you wore it, did you go out of the house?—Yes.

Several times?—No; once.

You say that you assumed a disguise several times?—Twice.

You have said several times?—No, I did not say so; I said Lord Ferrers had, not myself.

I put the question to you distinctly, and you said yourself had been disguised several times?—I know that very well, but not out of the house.

It is true you yourself have been disguised several times?

—In the house.

Many a time. Was your disguise always the same, or have you any other disguise that you assumed; that you can recollect to have assumed?—No, sir.

By Mr. Justice Wightman. What are we to understand that your disguise was always the same or that it was different?—It was different, my lord.

Will you be kind enough then to describe some other of the disguises that you have assumed on those occasions?— No; I cannot.

Oh! you can?—I cannot.

You mean to say you assumed many disguises and different disguises, and that you cannot tell us what the other disguises were, besides the one you have described?—Yes. I can merely tell you this: while I have been resting, his lordship has put moustachios on my face, which I have not been used to wear, you know.

Lord Ferrers has put moustachios on your face, which you say you do not commonly wear?—No.

You need not say that, we will assume, being a clergyman of the Church of England, that you do not. Can you tell us any other disguise than that which you have mentioned; you have spoken of many disguises?—It was only in that way.

I do not care in what way; you have told us of Lord Ferrers' disguise?—I am not aware of the other disguises.

Aye?—No, I cannot give an answer to that.

You said you have assumed many disguises?—I have told you of two.

You have not told me of two, sir, you have told me of the moustachios being put on by Lord Ferrers, I want to know what other disguises you yourself assumed?—None.

Then, was it always with your shirt over your clothes, was that the invariable disguise?—It was only once.

What were the other times then?—It was only once that I had the shirt over.

What were the disguises you say you assumed; many a time you say you have assumed disguises; what were the other disguises?—Once I had a shirt over me, and once Lord Ferrers gave me moustachios.

That is only twice?—Very well.

That will not account for "many a time"?—I only mean, just in common household affairs, that nobody has any business with.

What common household affairs, you were speaking of disguises?—As far as I have been disguised it was once a shirt over my coat, and in his house he once painted me with moustachios.

What has that to do with common household affairs?—Why, in his dining room, I should think he may do what he likes with me; what he has done.

I must return to my question; you have told us that you have assumed disguises many a time?—Not many a time; once publicly and other times privately, which you know nothing about, and you never will.

The other times are privately, which I know nothing about, and you say never will. Now, I will try. Now, I ask you, what those other disguises were which you assumed privately at other times?—Just a mere bit of a lark of a school-boy.

What were they?—Merely a bit of fun.

What were they?—I do not know that I can remember, they are all passed and gone.

Were you a school-boy ?—I thought nothing of them.

Were you a school-boy?—I am not now.

What was your age at this time; what is your age now?

No answer.

By Mr. Justice Wightman. What do you say, you are asked what your age is?—I suppose I am not obliged to answer that.

I differ from you, and be good enough to tell me, if you can, what your age is?—I can tell you, if I will, but I won't.

I put the question to you again, Mr. Arden, to enable you to recollect yourself?

Mr. Justice Wightman. Answer that question.

I put the question to give you an opportunity of recollecting yourself, and I ask you what your age is?—About thirty-seven.

And this occurred about three or four years ago?—What?

Why, the assuming this disguise?—Yes, I suppose it is. Now, first when you went out in the disguise, which you told us you assumed, how far did you go?—Oh! perhaps a couple of miles.

What did you do?-Nothing.

Did you exhibit yourself to anybody?—Why, yes; people saw it—met us.

Did you go into any house and shew yourself there?

No.

Did the persons know you?—I believe they did.

I suppose you were known—how long had you been a clergyman in that neighbourhood?—I believe from 1842 to 1844.

How long had you been a clergyman in the late lord's time?—I had lived in Stowe parish next to Chartley, about four or five years.

Before that?—Before I went to Stowe.

So that you had been known for several years to be a clergyman in the neighbourhood?—Yes.

I wish you could tell us now, as you have remembered

your age, what these other disguises, which you assumed

privately, were?—No, I cannot.

You tell me I do not know and never shall, which assumes you do?—Exactly, because I cannot tell you, it was all after dinner you know; we were larking one among the other—a bit of fun.

Am I to understand your senses were overpowered, and that you cannot recollect?—I mean to say my memory is so bad, that I cannot recollect them, because I never thought of recollecting them,—it was a matter of no consequence.

It was a matter of no consequence assuming these disguises?—No, disguises I do not call them, to have one's face blacked with a piece of cork—having moustachios put on, I do not think there is any thing in that—that is what I mean.

You talk of their having been put on when you were resting—were you resting on the sofa after dinner?—No, I think it was—yes, it was after dinner; I think it was just before supper.

Were you sober?—I am sure I do not know.

That is of no consequence?—That is of no consequence. And you do not recollect. Were you sober at the time you assumed that disguise in which you walked for two miles?—I do not see how a drunken man could assume a disguise and walk two miles.

Then you were in your perfect, sober senses: am I to collect that as your intended answer?—Yes.

Let us understand perfectly; I do not wish to take any advantage of you,—you mean to say, on that occasion on which you assumed the disguise, having been known as a clergyman in the neighbourhood, for five years, and walked two miles out, that you were perfectly sober?—I mean to say so.

But, whether you were sober or not on these other occasions, on many other times, when you assumed disguises, you cannot recollect?—No.

I am to understand that, am I, Mr. Arden?—Yes.

Be good enough to keep your voice up, that those gentlemen may hear you. You either resigned or were re-

moved, I do not know which, in 1844, at Staunton Harold?

—Yes.

Had any complaints been made of your having been frequently intoxicated?—Not that I am aware of.

You are not aware of any such complaints?—Oh, I have heard of it, of course.

You have heard of complaints having been made of your having been frequently intoxicated?—No, Sir.

Not frequently; only intoxicated?—No, not frequently, nor intoxicated: I have heard speak of everybody.

I am speaking of you now, I do not care about everybody at present. You said, you had heard speak of your having been intoxicated: I ask you, whether there were not complaints made of your having been intoxicated?—Decidedly not.

What was it you heard about yourself?—Merely the chat of the country.

. What was that? that you were intoxicated occasionally?
—No, I merely heard such a matter spoken of, that I was a little bit careless, that was all.

What, careless of drink?—I do not know.

Was that careless of your duty?-No.

Careless of what? your character?—No answer.

Was it careless of your character, or careless of what, you heard complaints made?—I do not see why my character should be pried into by you.

It may be a very painful enquiry, but I must pursue it?

—You may do so.

I ask you whether the complaints that you heard——?
—I heard no complaints at all.

I understood you, not five minutes ago, to say that you had?—No; the mere chat of the country.

And about what?—Chat about humbug.

Is that what you mean to say?—Yes.

Of course you are bearing in mind, Mr. Arden, that all this time you are on your oath?—I know it.

Then, now, Sir, I ask you upon your oath, whether you had not heard that complaints had been made about you for carelessness and remissness in your duty?—Never.

Then what was it you heard?—Merely the chat of the country, I tell you; people will talk.

What, did they talk of you?—If you had been there they would have talked about you just the same.

Mr. Justice Wightman. Really, Mr. Arden, I do recommend you, for your own sake, to be more discreet and cautious in your answers.

I should probably, sir, have been more secure from the observations. I ask you what was the chat of the country that you heard before you resigned or were removed from Staunton Harold?—About myself?

Yes?—That I was engaged to a young lady, a butcher's daughter.

I ask, do you mean on your oath now to swear that you never heard that complaints were made, or that people spoke of your having been intoxicated?—Not that I am aware of.

Aware of! You mean to say that there were none such?

—In chat they will say this, that, or the other.

I want to know whether they did say it?—I believe they did say it.

Mr. Justice Wightman. What was it he believes they said?

The Attorney General. That they did say that he was intoxicated, my Lord.

Was that true; was that true or was it false?—Do you mean to say whether I was drunk or sober?

Yes?—Of course I am not bound to answer that question.

By Mr. Justice Wightman. What is your answer, you have said now people did say you were intoxicated; you were then asked whether they spoke true?—Of course, that is to say, whether I was intoxicated or not, I say No.

Then you say you were not intoxicated upon any occasion?—No.

Just remember yourself; you mean to say that you were not before the year 1844; between 1842 and 1844 that you were never intoxicated?—Yes.

Do you remember telling me about moustachios being put on about five minutes ago?—Yes, but that is no sign of intoxication.

Do you remember answering me you could not tell me whether you were sober or not at that time, do you remember saying that?—I said it was a bit of a school-boy's lark.

Do you remember answering me the question as to whether or not you were sober at that time, that you had no memory of it?—I said I did not know whether I was or not; it was only a school-boy lark.

And you now mean to state upon your oath, that upon these occasions when you assumed the disguise many a time, that you were perfectly sober?—I mean to say I was sober.

Perfectly sober?—Well, I was perfectly sober, if you like.

There are various shades and degrees?—Shades and degrees of course, but a man may have his senses about him; I mean to say I was sober.

You are giving your own definition of it; am I to understand when you say you were sober, you merely mean you had your senses about you?—I mean to say I was sober.

Do you mean by that you had your senses about you?

—Yes.

Is that all you mean?—Yes; I was sober.

Where did you go immediately you left Staunton Harold?—To Chartley Castle.

No, when you were removed in 1844, when you ceased to be minister there?—I went to Chartley Castle.

After you were dismissed?—After I left, not dismissed. Do you mean to say you went to stay at Chartley Castle?

-Yes, I was in Chartley Castle.

I do not care about your being in Chartley Castle; I ask you whether you mean to swear, now take care, sir, that after you were dismissed from being minister at Staunton Harold, you went to Chartley Castle?—I was not dismissed.

Then after you left, put it in your own way, after you left that you went to stay at Chartley Castle?—Yes, that is right.

You mean to swear it ?-Yes, I do.

Now give us the exact date when you left Staunton

Harold?—That I cannot remember a bit more than the other matters; I know it was in 1844, I think.

What time in 1844?—I cannot tell you the exact date. About the time; I give you the range of a week or a

fortnight?—It would be the first week in June.

The first week in June, 1844; and you mean to say that after that first week in June, 1844, you went to stay at Chartley Castle?—I stayed there one night.

Was Lord Ferrers there?-No.

Where did you go afterwards?—Into Norfolk.

No, no, not immediately, you know?—I stayed two nights in the village.

That is what I am coming to; at whose house?—Mr.

Ingram's, a surgeon.

How long did you remain at Mr. Ingram's?—Not more than two nights, I think.

Were you turned out of his house?—No, sir.

Aye?-No, sir.

Do you mean, sir, to swear that you and Mr. Ingram's daughter were not both turned out of Mr. Ingram's house?

—At that time we were not.

Did you then return to Mr. Ingram's?—I went into Norfolk from Stowe, and did not return to Mr. Ingram's house afterwards.

Not afterwards?—Not for some time after.

When was that?—That would be about the beginning of the month of April, I should think.

In what year?—1845.

The beginning of the year 1845; how long did you stay at Mr. Ingram's house on that second occasion?—I did not stay at all, that was when we quarrelled with each other.

Did he turn you and his daughter out of the house?— He told me to keep off his premises; but he did not turn his daughter out of his house.

Was not that a complaint of improper conduct of yours towards his daughter?—It was not.

You mean to swear that?-I swear it.

What did he tell you to keep off his premises for?—Because he is a fool and a blackguard.

What did he allege as the reason for desiring you to keep off the premises?—I asked him the reason, and he never gave it.

Did his daughter go with you?-No.

Did you see his daughter afterwards?—Yes.

Have you not been living with her?—No: I am not obliged to answer the question, but I say No.

You are not obliged to answer the question, but you say No?—I say No.

And you mean upon your oath, I do not mean living under the same roof, I do not exactly mean that; but you understand what I do mean, and I ask you whether you mean to swear in the sense in which I put the term *living*, whether you have not been living with the daughter of Mr. Ingram?

—No.

Have you seen her ?-Yes.

Have you been frequently in her company ?-No.

Where have you seen her?—I have seen her at the house at which she now lives, I have also seen her at her friends' houses in the parish in which I now lodge.

You have seen her in the house where she now lives, where is that?—At Stoke Farm, near Stowe, in Staffordshire.

And you have seen her also at friends' in the parish where you now live?—In the parish where I now lodge.

What, in Norfolk?—No, at Stowe, near Shirleywich, in Staffordshire.

I thought you were living at Norfolk?—No, I am living here at present.

I ask you, Mr. Arden, whether I misunderstood you, as I understood you to state you were living in Norfolk, where you had a perpetual curacy?—I have a perpetual curacy, but I am not living in Norfolk.

Have you been living in Norfolk at all?—Yes, twelve months ago.

Was Miss Ingram there with you?-No.

Not in Norfolk at all?—No, never saw Norfolk I suppose.

Did you travel about with her at all?—No.

Never?-Further than just a ride you know.

Have you been at Birmingham with her?—I was once at Birmingham with her.

Have you been at Stafford with her?—Stafford, hundreds of times.

With her ?-Yes.

And had she, at those times, left her father's roof?—Not at those times.

By Mr. Justice Wightman. How far is Birmingham from her father's premises?—I forget the distance now, it is about thirty five miles, perhaps.

Do you mean to say that since she has left her father's roof, you have not been driving about the country with her?

- I have not.

Never ?-Never, no further than what I say now.

I understand, that was while she was under her father's roof?—While she was governess in a farm house at Stoke, near Stafford, nine miles from me, how could I be driving her about.

I want to know.—I say No.

You swear, since she left her father's roof, you have not been driving——I said I had done that sort of thing, but not latterly.

I am dividing the time, the time when she was under her father's roof, and the time after she had left her father's roof, and my question to you is, whether after she had left her father's roof, you have not been frequently driving her about ?—No.

Not at all ?—I will not say not at all, certainly not frequently.

Have you driven her to Birmingham ?-No.

To Stafford?—To Stafford.

Did you go with her to Birmingham?—Yes.

When I asked you whether you had not driven her to Birmingham, you meant you had not taken the reins and driven her?—Why, we went by the railway of course.

And therefore you answered, you had not driven her to Birmingham?—Yes.

How often have you been to Birmingham with her?—Once.

How often to Stafford?—That I could not tell you, because I lodged in one house three or four years, so we went once or twice, three or four times.

When you went back to Stowe, did you live at a public house, called the Cock?—Yes.

How long did you live at the Cock public house?— Why, to tell you the truth, I do not know.

I suppose you are assumed to be telling the truth?—I do not know, I should think I was there perhaps two months, at least.

Were you there more than on one occasion?—More than on one occasion, I was always accustomed to go there, to meet my parishioners, and to meet the managers of the parish and so on.

After you had left Staunton Harold, and you had no parishioners to meet, you were living there for two months, I want to know whether you lived there more than those two months, after you left the ministry of Staunton Harold?

—Much more.

How often ?-I am sure I do not know.

Frequently?—I think I was there two months, after I had quitted Mr. Ingram's place altogether.

I ask you whether you were there on other occasions?—
I have been there since.

How long altogether since you left Staunton Harold, do you suppose you have lived at the Cock public house?—Well, if I were to make a rough guess, put it down twenty weeks.

I ask you, sir, when you were living at the Cock, putting it down in a rough guess at about twenty weeks, whether you were not frequently intoxicated there?—I beg to say that I never was.

Did you drink a good deal?—That is another thing.

Pray will you turn to the jury, were you intimate with the landlord there?—I have known him so many years, of course I am intimate.

Did you drink together?—Sometimes.

Frequently?-No.

What was it you drank with him, spirits?—Oh, sometimes one thing, sometimes another, just as I happened to fancy.

Was the place where you drank, the common kitchen?

No.

Where was it?—We had three parlours to go into, I used to be sometimes in one, sometimes in the other.

Was it a place of great resort, the Cock ?—No, not particularly.

Just as usual in those places?—Yes.

And you mean to say, you always were in your senses there?—Yes, I do.

Is that what I am to understand you, by saying you were not intoxicated?—Yes.

You mean nothing more than that ?-No.

You have spoken of handwriting to several letters; did you ever correspond with Lord Ferrers?—Yes; at least, merely having a note or two from him, no particular correspondence.

Then are we to understand, that, during the whole time you have been acquainted with Lord Ferrers, all that you know is that you have received a note or two from him?—I received several notes from him during my acquaintance with him, that is all.

How many can you venture to say you ever received from him?—I should think half-a-dozen.

You have spoken to your firm belief of those letters being in Lord Ferrers' handwriting?—I believe they are.

Do you know a Mr. Collis?—Yes, I know Mr. Collis.

He lives at Birmingham, does he not?—Yes.

Now just attend, if you please. What is he, a jeweller, a manufacturer of plated goods?—I do not know what he calls himself, but I should say jeweller.

When you were with Lord Ferrers; you spoke of an accident which he received in fencing. Do you know whether it was necessary to take the ring off that he had on his finger?—I am not aware of that.

Did you call at Birmingham upon Mr. Collis ?—Yes.

Was that in the month of August last?—I believe it was.

Were you accompanied on that occasion by Miss Ingram?

—I was.

Had you known Mr. Collis before ?-Yes.

I believe, at first Mr. Collis did not recognize you?—Oh yes, he did.

He knew you at once, did he ?-Yes.

That is so, is it?—Yes.

Did he ask you to dine with him?—Yes.

After dinner, did you ask him whether he had mended a ring for Lord Ferrers?—Yes.

I believe he told you that he had?—Yes, or his man for him.

Did you ask him whether he should know it again?—Yes.

Did you ask him if he would accept a subpœna to come as a witness?—Yes.

Did you say that you wanted him, as Lord Ferrers had given Miss Smith that ring?—Merely entered into the conversation.

Have the kindness to attend to my question: did you say that? did you ask him whether he would accept a subpœna to come as a witness, as Lord Ferrers had given Miss Smith that ring?—Yes.

Did you ask Mr. Collis if he could prove the hand-writing of Lord Ferrers?—No, I do not think I asked him that question.

Recollect yourself?—No, I do not think I asked him that question.

Do you mean to swear you did not?—I will not swear I did not; I do not remember.

Did Mr. Collis say he knew nothing about the handwriting, but could speak to the ring?—He said he knew the handwriting, and he thought he knew something about the ring.

Did he say he knew the handwriting ?-Yes.

And that he thought he might know something about the ring?—Yes.

Mr. Justice Wightman. What did he say about the writing?

The Attorney General. That he knew Lord Ferrers' handwriting, and he thought he knew something about the ring.

Did he ask you what you had to do with it, and why you were helping the plaintiff to get up her case?—No.

Aye?—No, not at all.

Stop a minute; do not be too hasty; listen entirely to my question. Do you mean to swear that Mr. Collis did not ask you what you had to do with it, and why you were

helping the plaintiff to get up her cause?—He did not ask me that question.

Nor anything to that effect?—No.

Then you did not enter into any statement with Mr. Collis as to the way you had been treated by Lord Ferrers?—Yes, it was all conversation, my Lord.

Among other things, did you say that you had been great friends?—Yes.

But that after his marriage you had written to him, and you had received no answer?—Yes.

You had written a letter of congratulation, and had received no answer?—Yes.

Did you say that you had written again, wishing to be introduced to Lady Ferrers; and that still you had got no answer?—Yes.

Did you say that you had gone to Chartley to see Lord Ferrers, and that he had refused to see you, or give you any explanation?—Yes.

Did you say you had afterwards met Lord and Lady Ferrers in a carriage; that you had taken off your hat and bowed, but that they had not recognized you at all?—Yes.

Or returned your civility?—Yes.

Did you say that you afterwards went to Staunton, and wished to go into the park, but that the gate-keeper refused to permit you to enter, saying, she had orders not to let you through there?—Yes.

Now, was not this in answer to Mr. Collis' question, what you had to do with the case, and why you were helping the plaintiff?—No, not that I am aware of.

Will you swear that it was not ?-I could swear.

Could! Will you?-Yes.

Then you do swear?-Yes.

That this was not in answer to the question why you were helping the Plaintiff, or what you had to do with the business?—Yes.

How came you then to talk of the improper way in which you had been treated by Lord Ferrers, his forgetfulness of old friendship?—I never spoke of Lord Ferrers disrespectfully, that I am aware of, in my life.

I ask you, how it happened in the conversation that you

spoke of the way that you had been treated by Lord Ferrers, why you should tell Mr. Collis?—It was only matter of conversation among friends.

Did Mr. Collis tell you, that, by reason of the habits you had fallen into, you ought not to be surprised that Lord Ferrers refused to notice you?—No.

Nothing of the kind?-No.

Mr. Collis is here?—I do not mind if he is at my elbow. You mean to swear Mr. Collis did not make any observation of that kind?—He did not.

Did he refer to your habits, to the habits that you had fallen into?—Never did.

Did you say that you had seen the letters, said to have been written by Lord Ferrers to Miss Smith, and that they were not all in the same handwriting?—Yes, I said that.

Did you say that there were some that you thought were not in the Defendant's handwriting, and there were one or two that you thought, or, some of the letters composing it, were in his handwriting?—There were one or two among them, that I thought not to be in his handwriting.

Were those some of those which you have spoken to today?—No, what I have seen to-day, were Lord Ferrers' handwriting.

When you were saying you had seen letters, and you thought some were not in the Defendant's handwriting, were you referring to any of the letters, among ten or eleven which have been shewn you to-day, or were you referring to other letters that were shewn you besides those?—I refer to those that are in your attorney's hands, there are two or three that I am doubtful of.

How do you mean in our attorney's hands?—Mr. Hamel, I think.

Mr. Hamel is the attorney for the Plaintiff?—Those I have seen to-day were Lord Ferrers'; there were others I could not speak to.

I did not quite catch your answer there: am I to gather other letters have been shewn you by Mr. Hamel, which are not among those which were produced to you to-day in court?—Those that I have seen to-day——

No, attend to my question. My question to you is, in

consequence of the answer that you have just given me, whether the letters which you refer to, some of which you thought were not in the Defendant's handwriting, were there other letters than those which have been produced in court to-day?—Yes.

Were they letters which were shewn to you by Mr. Hamel?—Yes.

Purporting to be letters from Lord Ferrers?—Yes.

Did you not state to Mr. Collis, that Lord Ferrers had behaved ill to you, and you were determined to appear in court and give your evidence?—Most decidedly, I told him Lord Ferrers had behaved ill, and that I should be obliged to appear in court against him, that is what I said, nothing more.

Is that the ring, you have had it in your hands already, to which you referred in your conversation with Mr. Collis, the ring produced on the other side? (Handing a ring to the witness.)

I cannot say whether this is the ring, it is a fac simile.

Did you produce the ring to Mr. Collis?—No, I did not. You believe it to be the same ring to which you were re-

ferring in the conversation with Mr. Collis?—I do.

In whose hands did you see that ring?—I have seen a ring, a fac simile on Lord Ferrers' finger.

I am asking you as to this very ring, in whose possession you saw it before you went to Mr. Collis?—I do not know exactly where I have seen it since, until here.

I asked you before first, I will have since?—I do not remember who it was, but somebody brought it to me while I was in Norfolk—the agent.

You can know whether it was Mr. Hamel or Mr. Hamel's clerk?—No. It was Mr. Hamel's agent, I suppose, or partner.

It was shewn to you in Norfolk, was it?—Yes, it was.

Was that before you went to Mr. Collis?—Oh yes.

The Attorney General. The ring will not go out of court.

The Solicitor General. Oh no, it shall be kept here;
there is Mr. Hamel's seal upon it, there is no mistaking it.

You have spoken of Mr. Eld?—Yes.

Do you know his son Mr. John Eld?—Mr. John William Eld.

You know them both ?-Yes.

Have you ever had any conversation with them on the subject of these letters?—Yes, but only conversation on the subject.

Have you ever said to those gentlemen, or to either of them, that there was only one of the letters which had been shewn to you, that you believed to be the handwriting of Lord Ferrers, and with regard to that you could not speak positively?—I told them myself that most of the letters that were shewn to me I fully believed to be Earl Ferrers'.

I will have a distinct answer to the question I put to you, I ask you whether you have said either to Mr. Eld senior, or to his son Mr. John William Eld that there was only one of the letters which had been shewn to you which you believed to be Lord Ferrers' handwriting, and as to that you could not speak positively?—I told him——

Mr. Justice Wightman. Answer the question.

Answer that question distinctly.—I said that there was one I could swear to, and the rest I believed to be Lord Ferrers'.

I will have a distinct answer to the question which I put to you, will you swear that you have not said to Mr. Eld senior—aye and to Mr. Eld junior too, that there was only one of the letters which you believed to be Lord Ferrers' handwriting, and as to that you could not speak positively?

—Yes, the answer to that question is, I have said so months ago.

Mr. Justice Wightman. He says he did so; he says months ago he did say to both or one of these Messrs. Eld that there was only one of the letters which had been shewn to him which he believed to be Lord Ferrers'.

The Solicitor General. No, not that expression.

Mr. Chambers. "Months ago I have said there was one I believed to be Lord Ferrers'."

The Attorney General. Do not let us have any mistake about this.

Mr. Justice Wightman. There is no mistake about that, he says he did say that months ago.

Mr. Chambers. Two words your lordship has taken down incorrectly.

The Solicitor General. I think your lordship will find, when my friend the Attorney General repeats the question which I hope he will do, that there were two words introduced which I think he did not say.

I believe I put the question in the same language three times. Now before I repeat my question permit me to say that both Mr. Eld senior and Mr. Eld junior are present.

—Yes, I am aware of it.

Now I ask you whether you have not stated to those gentlemen that there was only one of the letters which had been shewn to you that you believed to be Lord Ferrers' handwriting, and even as to that you could not speak positively?—I said there is one letter I would swear to.

The Attorney General. I will have a distinct answer—you put me off with that answer before.

Mr. Justice Wightman. Did you say the other?

Will you swear you did not say to Messrs. Eld, that there was only one of the letters which had been shewn to you, which you believed to be Lord Ferrers' handwriting, and even on that you could not speak positively. Now did you say that or not?—I said, I could swear to one.

By Mr. Justice Wightman. Did you say that or not?

—I did say it.

Mr. Justice Wightman. He said so before.

### Re-examined by the Solicitor General.

While we are upon this subject, Mr. Arden, will you repeat to the best of your recollection, what it is that you said months ago, that you have last observed in allusion to one letter in particular, what was it you said months ago?—I do not know it was months ago, I suppose since I saw Lord Ferrers' letters.

Pray speak out, you know, and attend to my question. What is it you say, you said months ago, with respect to one letter as contra distinguished from the rest?—Months ago, I distinguished one letter particularly from the rest. I will swear to that, the others I fully believe, which I have seen, are Lord Ferrers'.

Now let me ask you this; several months ago, when Mr. Hamel first shewed you any letters, did he then shew you the whole at once, the first time?—I am sure I do not know, I believe he did.

Now go back. When as nearly as you can remember, was it that he first showed you any letter at all, purporting to have come from Lord Ferrers?—They were first shown me in the county of Norfolk, twelve months ago.

Perhaps I mistake between Mr. Hamel and his clerk. When you first saw any letter at all, purporting to come from Lord Ferrers, was it in Norfolk?—Yes, that is the first place at which I saw any letters.

The first place at which you saw any letters ?-Yes.

Was it Mr. Hamel or his clerk who first shewed you any letter at all ?—Yes.

Which, do not speak so quickly, but think before you speak. Was it Mr. Hamel, or was it his clerk, who first shewed you any letter or letters at all, purporting to befrom my Lord Ferrers?—It was not Mr. Hamel.

But somebody from him ?-Yes.

Now, what I want to ask you is this: when this person, whom we will suppose to be Mr. Hamel's clerk, first shewed you any letter or letters of Lord Ferrers, did he shew you the whole number that you have now looked at in court, or did he only shew you a part of them?—He showed me all that I have seen here, and more besides.

When did Mr. Hamel, himself, next shew you any?—About the month of March, 1845.

At that time did he shew you the whole?—I am sure I do not know, he showed me the whole as far as I know.

As far as you have seen at any time?—Yes.

Now, will you tell me then, what it was you alluded to, when you said there was one which you distinguished from the rest?—Because it was written so precisely in Lord Ferrers' handwriting; it is his handwriting, that is the reason why I picked it out.

What was it you said concerning the others?—That I fully believed them to be his.

And do you, now that you have looked at them again,

fully believe those you have seen to-day to be in his hand-

writing?—Yes, I do.

Now you have alluded to some letters, I think you said one or two more than have been handed to you to-day, and as to which you do not think that they were in Lord Ferrers' handwriting, is that so?—Yes, I believe so.

Were they those two letters, purporting to come from Devereux, the brother Devereux (handing the two letters marked Y), now look at them carefully, and tell me whether those are the two letters.

The Attorney General.—I asked him the question.

The Solicitor General.—Yes, he adopted your expression.

The Attorney General.—My friend will forgive me, I understood him distinctly to say, that there were other letters which were shewn to him, purporting to be Lord Ferrers' letters.

The Solicitor General.—He did say so; he adopted the expression of the Attorney General.

The Attorney General.—Adopting! if a gentleman is upon his oath.

Have you looked at these two letters, now?—Yes.

Are those the letters that you looked at?—Those are the letters that I do not acknowledge.

You have just been asked by the Attorney General, and you said there were some letters that you had seen, and which you did not think you would say came from Lord Ferrers, are those the letters that you alluded to when you gave that evidence?—Yes, exactly so. I do not know these letters.

The Solicitor General. Keep the letters in your hand for a moment.

Mr. Justice Wightman. He looks at these two letters and he says—"I do not acknowledge those—those are the letters to which I alluded."

The Solicitor General. He does not say that, I understand him to say he does not acknowledge they are Lord Ferrers' handwriting.

Mr. Justice Wightman. "Those are the letters I allude to."

The Solicitor General. I thought your lordship put it

"I do not acknowledge those are the letters I alluded to."

Mr. Justice Wightman. No; he says those are the letters.

Are those the letters to which you alluded in your cross-examination by the Attorney General, and which you do not acknowledge as Lord Ferrers' handwriting?—Yes.

Now, at the time that these two letters which you do not think, or which you will not say you think are written by Lord Ferrers; at the time that those letters were shewn to you were they shewn to you as letters believed to come from Lord Ferrers, although not purporting to be written by him?—Yes.

And as to these two, you have seen the signatures to them?—Yes.

Notwithstanding any suggestion that, although bearing a different signature——

The Attorney General. That is rather beginning in a leading form; I do not know how it may end.

You say they were represented to you as believed to come from Lord Ferrers, but not written by him?

Mr. Justice Wightman. "They were shewn me as letters coming from Lord Ferrers, although not purporting to be written by him."

And you again looking at those say you do not believe that they are in his handwriting?—Yes.

Is that what I am to understand you to say, you do not believe them to be in his handwriting, or that you are not prepared to say you do believe them?—I do not think they are Lord Ferrers' handwriting.

What I wish to ask you is with respect to any of the letters, exclusive of those, before those were shewn to you at all ——

The Attorney General. How shall we mark those to distinguish them from the others; C and D?

The Solicitor General. You must not suppose I am going to put in these letters. Mark them with the letter Y. This is between my learned friend and myself. I do not put in these letters at present at all events.

Mr. Justice Wightman. For identification only.

The Solicitor General. In case they become the subject of evidence or further inquiry we put them into an envelope with the letter Y upon it.

Those two you do not think are Lord Ferrers' hand-writing?—No.

Now, with regard to the ten which were handed to you originally to-day, and the two others you know addressed to Mr. Smith, the father, did you ever, upon looking at these letters, entertain a different opinion from that which you have expressed to-day?—No.

The ten and the two?—No.

Now, one word about this ring, you have told us a long story about a conversation with Mr. Collis, in which an allusion was made to this ring; had you that ring with you at the time?—No.

Had you the ring ever in your possession except when shewn you for a moment by Mr. Hamel, in order that you might see whether you had seen a ring like it. Did Mr. Hamel ever leave this ring for any time in your possession for any purpose whatever?—No.

It was shewn to you by him for the purpose of identifying it if you could?—Yes.

By Mr. Justice Wightman. You never had it in your possession except your handling it to look at it when Mr. Hamel showed it to you?—No.

I think you have said, Mr. Arden, that a ring like this, a ring which you remember to resemble this, you had seen worn by Lord Ferrers?—Yes.

On which finger did he wear the ring that you suppose to resemble this?—On the little finger on the left hand, I think.

Which of his fingers was it that was hurt in fencing?— The middle finger of the right hand.

Not the little finger at all ?—No, the middle finger.

By Mr. Justice Wightman. The little finger on the left hand he usually wore it?—Yes, my lord.

By Mr. Justice Wightman. And the one cut in fencing was?—Was the middle finger of the right hand.

I must trouble you with a question or two about yourself. How long was it that you were continuing occasionally to play these pranks you have talked of, putting on these disguises inside or outside the house, during what length of time was it that it was the practice for you and Lord Ferrers to put on these disguises?—I cannot say it was a practice.

During what length of time was it the thing was ever done, never mind whether it was a practice or not?—Twelve

months.

Now during the whole of that time, were you the selected intimate of the Smith family, or Miss Smith?—The Smiths of Chartley Manor?

I am speaking of the Smiths here, the Plaintiff?—No.

Had you, during the whole of that time, when, whatever may have been the nature of your conduct, when you were doing what the Attorney General has made you say you did, were you an acquaintance of them, or an associate of theirs at all?—No, not the least.

Had they any knowledge of you whatever, or any of them?—No, I believe not. I am sure they had not. I do not know them.

Had you any knowledge of, or acquaintance with Miss Smith, the Plaintiff in this cause, until about the time, last December, when this case stood for trial and was expected to be tried?—Never saw her before, and was never in the village where she lives.

I may put the same question with regard to this female, whose name has been mentioned, Miss Ingram, and any thing else that the Attorney General has examined you to, during all that period of your life, when you were doing these acts, whether right or wrong, had you any sort of communication or acquaintance with the Smith family?—Not the slightest.

But during the whole of the time of your adopting these disguises, and out or in as it might be, were you the constant intimate and companion of Lord Ferrers?—Yes.

The Attorney General. He was living thirty-two miles off, and doing the duty of a church.

I will ask. I do not wish the thing to be over rated, you were living at Staunton Harold?—Yes.

Did Lord Ferrers occasionally reside there?—He occasionally came upon a visit.

The Attorney General.—Staunton Harold is the place where there are two rooms furnished, merely for shooting?
—Chartley Castle is the residence of the family.

Used you frequently to be with Lord Ferrers?—Yes.

For a long time together in his company?—Yes.

Although you lived at Staunton Harold, did you visit him at Chartley?—Yes.

Before the time of ceasing to be chaplain?—Yes.

Then at the time of these irregularities, or whatever name we are to give them, were you always on those occasions his companion?—Not always.

Where did it principally take place when you put on those disguises?—As far as I know, it was at Staunton; as far as I heard, at Chartley. I was not living at Chartley.

I am not asking you what you have heard of Lord Ferrers, do not tell me anything that you have heard of Lord Ferrers, that you have not yourself seen, or known, or you have not heard him yourself talk about, as far as you were acquainted with it, was at Staunton?—At Staunton.

You never put on any of those disguises, and made mountebanks of yourselves, at Chartley?—We have done so once,

I believe.

Then once it has occurred at Chartley, and several times at Staunton Harold?—Yes.

You say from what you have heard, you have said something about Chartley, are you speaking of what you have heard from Lord Ferrers, or in his presence?—No, what I have heard from others.

Pray, has this Collis of whom you have spoken, ever been the companion of Lord Ferrers in any of these proceedings?

No.

He never was with you?-No.

He knew Lord Ferrers, I suppose?—Yes.

Have you ever seen him with Lord Ferrers?—Not since he has been Lord Ferrers; when he was Lord Tamworth.

He is the same individual; have you seen Collis with Lord Ferrers, while he was Lord Tamworth?—Yes.

On what occasion?—As a visitor.

Where ?-At Chartley Castle.

In what way do you mean, has he taken any meals there with him?—Yes.

Dined with him?-Yes.

Supped with him ?-Yes.

The Attorney General. Does he mean to say this was at Chartley Castle when he was Lord Tamworth?

You hear the Attorney General's question; are you speaking of Mr. Collis having visited Lord Ferrers at Chartley Castle while he was yet Lord Tamworth, before he succeeded to the earldom?—Yes, in the days of the late Lord Ferrers, when Lord Tamworth was staying there.

You mean in the days of the late Lord Ferrers, while Lord Tamworth was staying there, Mr. Collis has associated with Lord Tamworth in the way you state?—Yes.

Mr. Justice Wightman. And my Lord Ferrers as well as Lord Tamworth?

Was Lord Ferrers there also :-- Yes.

The late lord ?-Yes.

I am to understand you to say you have seen him dining or taking meals at Chartley in the time of the late Lord Ferrers with Lord Ferrers, and the then Lord Tamworth?

—Yes.

Now, one word, if you can tell me about your ceasing to be chaplain. I perceive my friend, the Attorney General, has repeatedly used the word "dismissed;" have it out, if it was so: were you dismissed from your office?—I was not.

Have you known Collis yourself for any length of time?

Only occasionally meeting him at Chartley.

You only know him from meeting him at Lord Ferrers'; is that so?—Yes.

Only one matter more, about the handwriting: how many years altogether, do just let me know as well as you can, have you at all known Lord Ferrers, whether when he was Lord Tamworth or otherwise?—I should think about eight years, or thereabouts.

Now, during that time you say you have received several notes from him?—Yes.

The Attorney General. Five or six.

Five or six; was that what you said?—Yes.

Have you, besides having received notes from him, seen him write?—Yes.

And seen his undoubted writing on various occasions?—Yes.

On a great many occasions?—Only twice.

I am not speaking of those letters that are in dispute; during the several years you have known him, besides having received notes from him, have you seen other things written by him? I do not mean, have you seen him write, but have you seen other things which you knew to be in his handwriting?—Yes, I have seen others that I knew; on two occasions I saw Lord Tamworth write a note, and I read the notes before he sent them to the post.

Besides the occasions on which you have actually seen him write or received notes from him, have you, in your intercourse with him and the family, seen his writing on other occasions, not seen him write, actually doing the thing?—Yes, continually.

Have you, during that time, seen enough of his writing to make you well acquainted with the character of his handwriting?—Yes.

You said you were in Norfolk when this gentleman came, when Mr. Hamel came, or somebody from him, and shewed you some letters?—Yes.

Did you reside in Norfolk, or not?-No, in Stafford.

#### Examined by the Attorney General.

I wish to put a question or two on these letters, they are quite new in my friend's re-examination. Do I understand you to say, at the time these letters were shown to you, purporting to be Lord Ferrers', these two letters; take them in your hand; that these two letters also were shown to you? (handing to the Witness the letters marked Y.)—Yes, they were.

Were they shown to you as letters from Lord Ferrers, or were they shown to you as letters from Devereux Shirley?—They were shown to me as among the bundle of letters brought.

Then, what was that bundle of letters shown to you for?—To ask whether I knew the handwriting or not, I suppose.

How many letters were shown to you on that occasion?

—That I cannot exactly remember.

About how many?—About seven or eight, perhaps, or more; nine or ten.

Or eleven, or twelve, or thirteen, or fourteen?—Oh, no.

Then you know something, you see. I want to know whether you will swear there were not as many as thirteen or fourteen letters shown to you on that occasion?—I will swear there were not fourteen.

Do you mean eight or ten letters more than those produced in court?—No; with those produced in court and those accompanying them.

Were more letters shown to you than those which have been produced in court to-day?—I believe not, but I cannot remember; I believe not.

Mr. Justice Wightman. He before said he believed there were.

The Attorney General. I understood so.

Mr. Justice Wightman. There is great difficulty. I took down his words as he gave them, and then I find that afterwards there is something else said.

Mr. Chambers. Seven, eight, nine, or ten.

Mr. Justice Wightman. Not now, it was in the Solicitor General's re-examination; he stated that it was some clerk of the Plaintiff's attorney: "He showed me all that I have seen to-day and more besides."

The Solicitor General. One or two more, that will give those two.

The Witness. That is just the answer I now give.

Mr. Justice Wightman. "Mr. Hamel after showed me the whole; one I distinguished." He goes on "because it was so precisely the Defendant's handwriting: I believe the others were his." Then he looks at those letters "Those are the two;" he says "those letters I do not acknowledge, they are the letters to which I alluded; they were shown to me as letters coming from the Defendant, although not purporting to be written by him. I do not think they are in his handwriting."

Can you tell me who it was that showed you these two letters, as purporting to have been received from Lord

Ferrers, although not having been written by him?—I do not know who it was that first shewed them to me; an agent of Mr. Hamel's I suppose.

Did you see Mr. Hamel afterwards?—Yes.

Did he shew you the letters ?-Yes.

Among other letters, did he shew you these two?—Yes.

And did he shew you these two letters, as purporting to come from Devereux Shirley?—Yes.

Mr. Justice Wightman. Those are from Devereux Shirley.

The Solicitor General. Yes, we are upon the same two.

Mr. Justice Wightman. Then they were shewn not as

Lord Ferrers' letters.

The Attorney General. As purporting to be letters from Devereux Shirley.

What I want to know is this, whether you will undertake to swear that either by the agent you have spoken of, or by Mr. Hamel, more letters than those which have been produced to-day, were not shewn to you as purporting to have been written by Lord Ferrers?—I do not remember the number that were originally shewn to me.

# John Routledge Majendie, Esq., sworn and examined by Mr. Robinson.

Major Majendie, are you a brother-in-law of the present dean of Bangor?—I am.

Is he a relative of Lord Ferrers?—I believe he is connected with the Ferrers family, but I do not know how nearly.

I believe you are a Major in the Staffordshire yeomanry?

—I am.

Was Lord Ferrers an officer of the same corps?—He was, but he is not now.

Was he so during the time that you were in the corps?

—Yes, he was.

Had he to sign the pay lists?—Yes, before the regiment was dismissed from permanent duty, every officer has to do it who is present with the regiment at the time.

Have you seen him write any of those?—I never saw his Lordship write.

Have you had occasion to correspond with him?—Very slight our correspondence has been.

But still, however slight, you have had some correspondence?—Yes, I have.

Have these pay lists passed through your hands at all?

—Yes, they have always passed through my hands, as Adjutant to the regiment.

As the Adjutant you pass them?—They go from me to the Colonel, who signs the pay list, the general pay list, and they are then forwarded to the war office.

Still as Adjutant, it would be your business to pass them as authentic documents?—I could not bring them before the Colonel of the regiment, unless they were signed.

I believe you have seen some of these letters that you have been talking of this morning?—The Attorney for the Plaintiff has brought some to me, but I did not read all the letters. I looked at some of them, but I have a very slight knowledge of them.

Will you be so good as to look at them in the order as they are wrapped up, and perhaps you will restore each to the envelope before you look at the other. (The Witness examines No. 1.)—Do you wish to examine me upon each letter first as I go on.

Perhaps you will lay aside any one you have any particular observation to make about.

The Attorney General. The most convenient course would be to examine as to each letter.

About that first letter, whose writing do you believe that to be?—Why, really I could not swear that this was Lord Ferrers' handwriting, it is a smaller character of handwriting, than what I have seen in the notes I have had from Lord Ferrers; I cannot find a signature in this; whether it is from my being rather nervous, I do not know, I should like to see the signature of it.

The Solicitor General. Hand it to me, and I will try and find it. (The letter appeared to be written on separate pieces of paper, but the piece with the signature was not in the envelope.) I am afraid one of the scraps has got into another, I must trouble you for the whole back again.

Mr. Justice Wightman. The copy has the signature before the postscript.

The Witness. I hope it was not my fault.

The Solicitor General. No, it was not, Major, it was the fault of somebody before it got into the box, it got into No. 2, the scrap which contains the signature. (Letter No. 1, was handed back to the witness, with a small piece with the signature upon it.)

The Witness. Yes, I beg pardon, I see it. (The Witness

examines the same.)

Major Majendie, you are not called upon to swear to it?

—I wish to be as near the mark as I can.

Look at it, and say, looking at it attentively whether you believe it to be his?—I think the signature is very like Lord Ferrers' handwriting.

If you had seen the signature without knowing anything particular attached to it, should you have passed it as his signature?—I should have believed it was his Lordship's. (The Witness examines No. 2.)

The Witness. I should say that was quite as like his lordship's handwriting as the other; if I had received the note as a note to myself, I should have thought it was Lord Perrers' handwriting.

If there had been nothing to excite your suspicion as to the particular circumstances, you would have taken it to be his handwriting?—I should not have questioned it if it had come to me by post, or anything of that sort, I should not have questioned it. (The Witness examines No. 3.)

The Witness. I should say exactly the same with regard to this; they have all that character of being much smaller handwriting than what his lordship has been in the habit of writing to me, which very likely puzzles me with regard to the handwriting. (The Witness examines No. 4.)

Do you say the same as to that?—I do not like this one so much.

Supposing you had seen that without having your suspicion excited by something you had heard about it before, what should you have said?—Why, sir, I should not have thought the "Dearest Mary," at the beginning of this letter was written by Lord Ferrers; the other parts of the letter are certainly very like Lord Ferrers' handwriting; and, as I said before, if I had received such a thing as that

from Chartley Castle by post, I should have given credit directly to its coming from Lord Ferrers. (The Witness examines No. 5.)

The Witness. That is also very like Lord Ferrers' hand-writing.

Do you give the same answer you did to the first three?

Yes, I do.

By Mr. Justice Wightman. Look and see if the same answer applies to the rest, and I will take it so.—Will your Lordship allow me to look at them?

Mr. Justice Wightman. Oh, certainly.

The Solicitor General. Look at each, and very care-

fully. (The Witness examines No. 6.)

The Witness. Now, that is a letter which I do not think is so like Lord Ferrers' handwriting, and I will say why, if you will allow me,—it is a rounder hand than what Lord Ferrers writes; Lord Ferrers writes a very large, upright school-boy's hand, and this is not of that character; and yet the signature to this letter is as like Lord Ferrers' as can possibly be. (The Witness examines No. 7.)

The Witness. That is more like than the other a great deal; it is a larger hand, a more upright hand. (The Witness examines No. 8.)

The Witness. I cannot vary my judgment with regard to that; I think it is very like Lord Ferrers' handwriting.

That is, No. 8?—Yes. (The Witness examines No. 9.)

The Witness. I consider this, No. 9, certainly the strongest likeness I have yet seen of Lord Ferrers' handwriting, and I ground that from the size of it, and the uprightness of the general character.

You said the general character?—I speak of the general character of it; I cannot speak to letters. (The Witness examines No. 10.)

The Witness. That is also like his handwriting, but I do not think it is so like as the other; I do not think it is so like as No. 9. (The Witness examines the letter marked A.)

The Witness. Really I should be loath to say that that was written by Lord Ferrers, it is a more running-hand;

though here is the same thing again that I could almost swear to anywhere; it seems so exactly like Lord Ferrers' there (referring to the signature).

By Mr. Justice Wightman. Do you believe it is Lord Ferrers' handwriting or not?—This is a letter addressed to the father, I believe?

By Mr. Justice Wightman. Yes; but supposing you had seen it without knowing the contents, merely just seeing the writing and signature, would you not have passed it?—Not without seeing the signature, certainly not—I beg pardon for being so long, I did not hear the word signature; if I had not seen the signature to this note, I should not have thought it was Lord Ferrers' handwriting.

I understood you to say, the signature was as like as possible to Lord Ferrers'?—I did say so.

By the Foreman. And that is the case with all the letters?—All the letters I have seen, the signature has been remarkably like Lord Ferrers'.

Mr. Justice Wightman. What he says is, if he had seen the signature he should have thought the letter was from Lord Ferrers. (The Witness examines letter B).

The Witness. The letter B is very like Lord Ferrers' handwriting, but I could not swear to its being his.

You speak in the same way you have of the others?—If I had picked this up in the streets without seeing any signature to it, I should have thought it like Lord Ferrers' handwriting; if I had picked up the other I should not have thought that it was.

That is, without the signature; but if you had seen the signature?—Oh, then I should have given credit to it.

But seeing the signature, if you had picked it up, should you have believed it to be Lord Ferrers' handwriting?—I should have believed it to be Lord Ferrers' handwriting.

#### (Cross-examined by Mr. Crowder).

I understand you to say you have received notes from Lord Ferrers?—Yes, I have.

Can you recollect about how many notes you have received from him?—I should think four notes would be the outside that I have ever received direct from Lord Ferrers.

In what period of time?—I have not heard from Lord Ferrers for a considerable time, perhaps not for a year, or rather better than that; I think it was in the year 1844 when I heard from him; perhaps he has asked me over to Chartley to shoot, and things of that sort.

Is that the last time?—Yes.

And then the four notes, at the outside, you may have received, were those of the year preceding, or two years, or what?—No; I think they were all about the same time, I will not be quite positive about it, I think it was in 1844 I heard from his lordship.

Were they notes? you used the word notes: "Lord Ferrers presents his compliments," or signed with his name?—Yes, he wrote to me: "Dear Majendie, will you come over to Chartley to shoot," and so on.

"Yours," what?—Ferrers. I did not know him when he was Lord Tamworth.

Were all the notes signed in the same way?—They were all signed with his title.

"Yours, Ferrers?"-Yes.

Hand No. 1 to Major Majendie, the part where the signature is. (It was handed to the Witness). I do not know, Major Majendie, when you looked at that signature, whether your attention was directed to any other word than Ferrers. You said that was like his signature?—Yes, I see he has put his Christian name before it.

Washington ?-Yes.

Did you ever see that?—He never signed his name so to me.

Do you recollect ever seeing the word Washington in what you knew to be his handwriting?—No, I cannot say that I ever saw the word *Washington* written by Lord Ferrers, or that had been written by Lord Ferrers.

When you have mentioned, as you have, that it appeared to you these signatures were like his, you referred to the single word *Ferrers*, did you not?—Yes, to the last word, to his title.

You say you received four notes, perhaps you can recollect whether it was three or four; can you recollect as well as that, whether you ever received three notes from him?

—I think it was four; I think I have had four notes from

his lordship. His agent, Mr. Eld, first when I used to write to Lord Ferrers on yeomanry business, used to answer letters, and that has made me rather doubtful about the number.

That is the reason you cannot recollect to a certainty whether you received even three from him?—Oh! I could swear to three.

You think four?—I think four.

You have mentioned, I think, seeing the signature of Lord Ferrers to a pay list?—Yes, I have.

Can you recollect how often he was out on duty?—He was never out on duty but once.

When was that?—In 1843.

And for how long?—Do you mean how many days?

Yes?—For eight days.

Is the pay list signed every day?-No, it is not.

How often?—Signed at the expiration of the duty.

At the expiration of the eight days of his service the pay list would have been signed, and his name would be signed?

—His name is signed to two pay lists, one I keep as a duplicate, and the other goes to the War Office.

Did you look at them both, or did you take yours, and the other was sent to the War Office?—Oh, I look at them both and compare them.

By Mr. Justice Wightman. Those were all the pay lists?

—He is only required to sign two.

By Mr. Justice Wightman. Those are all you have seen of that mode?—Yes, of that description of pay list.

With respect to the pay lists, you have said you had seen his name to pay lists, do you mean those two pay lists I have referred to, or do you mean any more?—I never saw his name to any pay lists but two, and that was in the year 1843.

I presume from what you have said, then, you saw the name Ferrers?—Yes.

That there may be no mistake, did you refer to any other document that you had ever seen his name to?—Do you mean to refresh my memory?

You say you have seen these signatures of his, you did not see him write those?—No; my clerk took them to him

and they were signed, or else the troop serjeant-major took them, one or the other.

Had you ever, in your intercourse with him, in any way either seen his name attached to any paper which you had officially to look over, or received any other communication?—I have never seen him write his name.

You have received four notes?—Yes.

And you have seen his name to those two pay lists?—Yes.

Have you been at all connected with him in any way to see his handwriting to any other document?—No, I have not, at all.

By Mr. Justice Wightman. Those are all the documents that you have seen?—They were.

By Mr. Justice Wightman. Four notes you say and two pay lists?—Yes.

You have observed upon these letters that have been put into your hand, that if you had received one of those letters by the post, dated Chartley, and seen Lord Ferrers' name, you would have believed it was Lord Ferrers'?—Yes, I should.

With respect to these letters that you have been now looking at particularly, have you looked at them before?—I have looked cursorily at them; they were brought to my house by Mr. Hamel, the attorney; I declined to read them all, because I did not wish to mix myself up more than I possibly could with the business.

I do not know whether you recollect the number, you say cursorily?—No, I cannot. I should think there must have been nine or ten, or ten or eleven; I cannot speak to the number.

You have mentioned two or three of these letters, if you had seen them without the signature, you should not have believed them to be Lord Ferrers' at all?—I said that of one, I think.

And there was A or B?—Yes.

And the one you did not like?—I said the opening part of one letter, "Dearest Mary," did not look like Lord Ferrers' handwriting.

That was No. 4?

The Solicitor General. The beginning of No. 4 and the body of letter A.

No. 6 he also said was rounder; that "Dearest Mary," do you believe that to be Lord Ferrers' handwriting?—Why, indeed, I have my doubts of it. I never saw him write "Dearest Mary" before.

Although you have not seen him write "Dearest Mary," you may have seen the letters composing "Dearest Mary?"—I do not think it was like, and so I told the counsel before.

You have seen him write "Dear Majendie?"—Yes, but he did not write in the superlative degree to me.

There is *Dear* and *Ma*, the same as your own would be; *Mary* and the other name with Majendie; the style pervading the whole is smaller, the characters in most of them if not all?—Yes, it is; but then he had a great deal to say in those letters.

And required more space to put it in?—Yes.

#### Re-examined by the Solicitor General.

You have mentioned three or four notes you had seen and several signatures to the pay lists; are those all, with the exception of those letters, that you have ever seen at all purporting to be his handwriting?—They are.

You have never since this matter was in agitation looked at any letters of his?—No. I have destroyed those letters being of no consequence; but I have looked at the pay list as to the last duplicate I have, that I might give as good evidence as I could.

I thought it possible that you might since, while this case has been in agitation, have looked at other writings of his?—No.

Those of which you have spoken are all of which you know?—They are all.

One word about the name, Washington; that is his Christian name?—I believe it is.

You say, in other papers, you have seen him sign his name Ferrers, had you ever the fortune to see a love-letter

of his before ?-No, never; he never let me into his secrets.

I believe I may ask you, you have no kind of acquaintance with Mr. Smith's family?—No, I never heard of the family until I heard this thing was in agitation against Lord Ferrers.

And you are upon intimate terms, I presume, with Lord Ferrers?—I can hardly call myself upon intimate terms; I know Lord Ferrers very well, and he is kind enough to ask me, and he has done so, over to Chartley.

You are so intimate that he calls you "Dear Majendie?"—Oh, they generally do that when we meet together in a military point of view.

I need hardly ask, you come here with some reluctance? The Attorney General. I hope my friend will do more than hardly ask, that he will not ask it.

Mr. Justice Wightman. I suppose Major Majendie has no particular fancy for coming here.

The Solicitor General. My lord, I withdraw the question.

## William Perkins sworn, examined by Mr. Symons.

I believe you are paymaster of the Staffordshire Yeo-manry?—I am clerk to the adjutant.

In the office you hold, do sums of money pass through your hands?—The whole pay of the regiment.

Do you know Lord Ferrers, the Defendant?—I do.

Have you known him for some time ?-I have.

Are you acquainted with his handwriting?—I have seen him write twice.

On what occasions have you seen him sign his name?

—I saw him sign two government pay-lists in 1843.

By Mr. Justice Wightman. The two lists that Major Majendie spoke to?—Yes.

I believe he signed those in his capacity of the cornet of the regiment?—As lieutenant.

Have letters been shown to you, purporting to come from Lord Ferrers?—Yes, several letters have been shown to me at different times.

Did you examine the letters at the time they were shown to you?—I did not read them through; I saw the signaures and some parts of the letters.

You examined the handwriting?—I examined the handwriting, particularly the signatures.

Take the first letter in your hand, No. 1 (The Witness examines No. 1), Look at the signature.—I believe this is the signature of Lord Ferrers.

Does the general style of writing correspond with that of his?—It does.

Look at No. 2. (The Witness examines No. 2.) Have you looked at the second? do you make the same observation with regard to that?—Yes, I do, the signature is very like indeed.

Look at No. 3. (The Witness examines No. 3.) I believe that has no signature?—Yes, it bears the signature of Lord Ferrers.

The Solicitor General. They have all a signature.

Does that also appear to you like Lord Ferrers' hand-writing?—Yes it does.

Now, No. 4.

The Attorney General. Will you be kind enough to put the question, whether you believe it to be Lord Ferrers' handwriting, not whether it is like. (The Witness refers to some other paper.)

Do you believe that to be the handwriting of Lord Fer-

rers?—I do.

Mr. Denman. (The Associate.) The Witness has been looking at another paper.

The Witness.—There are some letters which have been shown to me at another time.

By Mr. Humfrey. Let me look at that memorandum.

—It is one of my own.

What is that?—A memorandum of my own making.

Mr. Symons. Put it into your pocket.

Mr. Humfrey. I shall ask presently to see it. (The Witness examines No. 4.)

The Witness. The letter is not so much like as the signature.

Do you believe the signature to be Lord Ferrers'?—I believe it is.

No. 5? (The Witness examines No. 5.)—The signature is like.

By Mr. Justice Wightman. Do you believe it to be his?

—I do, my lord.

The Attorney General. Probably you had better get what he says about the body of the letter.

By Mr. Humfrey. What do you say about the body of the letter of No. 5?—Some parts of it are not so much like.

Look at No. 6. (The Witness examines No. 6.) This is much like.

Do you mean the signature or the body?—The signature, and I may venture to say the body.

You believe the signature is his?—Yes. (The Witness examines No. 7.)

The Witness. This I think also like.

The body of that, Mr. Perkins; do you make the same remark with regard to the body of that letter, the general character of the handwriting?—I believe it is.

And the signature?-Yes.

Now No. 8? (The Witness examines No. 8.)—This is not so much like.

Do you apply that remark to the signature as well as to the body?—To both.

By Mr. Justice Wightman. Do you believe the signature is his?—I believe the signature is his, but the body of the letter is different.

Now No. 9? (The Witness examines No. 9.)—This, I believe, is his writing.

By Mr. Humfrey. Both body and signature?—Yes.

No. 10; what do you say of that?—(The Witness examines No. 10.)—The signature, I do not think is as much like as the others.

The body of the letter?—The body of the letter is like, but the signature is not so much.

Letter marked A? (The Witness examines letter marked A.)—I do not think this so much like as the others.

You do not think that like?—Not so much like.

By Mr. Justice Wightman. But do you believe it to be Lord Ferrers' writing?—I would not take upon me to swear it was his handwriting.

Do you believe it to be his from what you know of his writing and the character of it?—The body of the letter is different.

The signature?—The signature is like, but not the body of the letter.

Do you believe that to be his signature?—I believe it is his signature.

Now letter B? (The Witness examines letter B.)—This, I believe is like, both the body and signature.

Do you believe it to be his?—Yes.

#### Cross-examined by Mr. Humfrey.

Did you ever see Lord Ferrers actually write?—I have, in the orderly room at Lichfield.

Was that when he signed the pay list?—It was.

Have you ever seen any writing of his except of the signature Ferrers?—No, I have not.

You never saw any writing of his except the word Ferrers?—I have not; there were four pay lists signed, two were in error, I sent them back, and he called himself and signed the others in my presence.

He signed Ferrers?—Yes.

Let me look at that memorandum of yours if you please?

—Yes. (It was handed down to Mr. Humfrey.)

By Mr. Justice Wightman. The whole of the writing of his you have ever seen has been the name of Ferrers, signed to these pay lists?—Yes.

Let me ask you, you say you never saw him write anything but Ferrers; when were those letters first shewn to you?—In the beginning of last year; there were four or five or six letters brought to me by Mr. Hamel, at Uttoxeter, and he asked me if that was the handwriting of Lord Ferrers; I told him I did not believe it was, except one letter, which was a deal more like.

Mr. Hamel shewed you four or five or six letters, and he asked you if you believed them to be Lord Ferrers', and you said you did not, except one?—I did, except one, that was more like.

Were those letters which Mr. Hamel shewed you as professing to be Lord Ferrers' writing?—He asked me if they were Lord Ferrers' writing, I told him I believed not.

Five or six?-I do not know the number exactly.

You say four or five or six?—Yes.

Was there one relating to a Captain Monks?—There was one signed Captain Monks.

By Mr. Justice Wightman. One signed Captain Monks?
—Yes.

Was that one that he shewed you to ask you whether it was Lord Ferrers' signature?—It was.

And one of those you thought was not?—Yes, one of the first.

There were some lines of poetry which he showed you as being supposed to be written by Lord Ferrers?—He asked me if those were Lord Ferrers' writing; I told him I believed not; there were two lines, I believe.

Those that I have got in my hand are your own memorandums, which you have been so good as to furnish me with, and your own memorandums made at the time?—Since I have been in London I have made them.

They were what you were good enough to hand to me. I learn all this from your own memoranda. Then that signed Captain Monks, and the lines of poetry you thought not his handwriting?—Yes. I thought they were not his handwriting.

What is "D letter more like?"—There were one or two or three signed Devereux Shirley.

And you thought one of them more like Lord Ferrers'?

No; there was one other letter more like.

You have got "D letter more like?"—I meant it for Devereux Shirley; D.

The letter signed D. Shirley you think that was more like?—I thought that was more like than that signed Captain Monks.

The Solicitor General. Those are not yet in evidence. I shall put them into his hands—you can re-examine upon them.

The Attorney General. I do not know whether my friend is not entitled to ask with regard to those letters marked Y, they have been put into the hands of another witness—he has been asked about them. My friend, Mr. Humfrey, has now extracted from this witness, among others, there were two letters from Mr. Devereux Shirley;

therefore, I think we are entitled, having these letters now, a witness being asked whether these were the letters which he was spoken to, to examine into them.

The Solicitor General. I apprehend it is not competent to my learned friend; in the first place to take, I mean to make no complaint of him, but, to take away from me any letters whatever.

The Attorney General. You put them into my hands.

The Solicitor General. If my friend were to ask me for my brief I should in equal courtesy give it him: and I have not the least objection if my friend wishes to amuse himself with it; he will find much there which is very amusing; but the question is with regard to the regularity of the proceeding. Two letters have been produced; they were placed in the hands of the witness by me, in order that he might state whether these were letters to which he has alluded; he has identified these letters: and for convenience, and in order that there may be no mistake, they have been put in an envelope marked with the letter Y—those letters I have not given in evidence.

Mr. Justice Wightman. Properly speaking, Mr. Solicitor General, we ought not to know they were signed at all, because they were not put in and read but for convenience; the only point of view is this, if anything turns upon these particular letters at some time or another, this gentleman must be examined upon them.

The Solicitor General. My Lord, my only reason for interposing is, I do not wish we should be led into any further irregularity, or, that I should be supposed to have made evidence of letters which it may be I shall not make evidence of.

The Attorney General. I beg my friend will not understand I am asking him to make evidence of these letters: that they will appear in some part of the case I have not the slightest doubt. It is matter of no very great importance to me, whether they are made evidence by my learned friend or come in evidence in another manner. My friend is not bound to put them in evidence.

The Solicitor General. That is all.

Mr. Justice Wightman. You are not bound to put them in evidence.

The Attorney General. No; certainly not.

The Solicitor General. We shall have no difficulty then; the more regular mode of course will be to call for the letters at the proper time—if it will save time or trouble or the calling back of a witness, I have no objection, for that purpose, to lend the letters to my learned friend.

The Attorney General. I merely say in explanation, I did not know anything of these letters until my friend's re-examination, when he put them into the hands of Mr.

Arden.

The Solicitor General. The moment my friends agree that they are not yet in evidence, that is sufficient.

Mr. Humfrey. Certainly not.

Now then as to these two letters, are these the two (handing the letters marked Y) which you consider to be more like Lord Ferrers' handwriting?

The Solicitor General. Do ask him and not assume it. Is it either of these letters which you think more like my Lord Ferrers' handwriting?—Neither of these.

Then you have seen another.

The Solicitor General. Do ask him.

Have you seen other letters than these?—These two letters (marked Y) I do not believe are in the handwriting of Lord Ferrers.

You have got written down here "D letter more like," I asked you what that meant. You said it was a letter written by Devereux Shirley. I ask you if it is either of these?—I have seen another letter signed Devereux Shirley.

Is that what Mr. Hamel has shewn you?—Those are letters Mr. Hamel has shewn me.

Do me the favour not to confuse yourself and me. You have here "letters of Captain Monks and lines of poetry which are not like." Then you have got here "letter more like D." You say that means Devereux Shirley; is that either of these two?—I should say, this was the writing not of Lord Ferrers. (Referring to Y.)

That is not what I am asking you: you have seen some

letter which professes to be written by Devereux Shirley, which you say you think is more like Lord Ferrers' handwriting.

Mr. Justice Wightman. No; he has not got it.

You have seen one; is it either of these?—No; it is not.

By Mr. Justice Wightman. Let me be quite sure; you say that you saw a letter signed Devereux Shirley more like Lord Ferrers' than some that you have seen?—I do, my lord.

By Mr. Justice Wightman. Was that letter which you thought more like than these, that you have seen, one of these two, that is all?—I believe not.

Now will you attend to this question: Have you seen another letter signed Devereux Shirley, which you believe to be more like Lord Ferrers' than some that you have seen?—Yes; I believe I have.

Mr. Justice Wightman. It must be a third one.

Who shewed you that other ?-Mr. Hamel.

Mr. Hamel shewed you another signed Devereux Shirley?

A Juryman. Signed Captain Monks?

Mr. Humfrey. No; signed Devereux Shirley.

Mr. Hamel shewed you another letter signed Devereux Shirley, which you thought more like Lord Ferrers'.—I believe it is.

Did you tell Mr. Hamel so ?-Yes, I did.

When was it he shewed you that letter signed Devereux Shirley, and which you thought more like Lord Ferrers' handwriting than some of the others?—I believe it was in the beginning of the year 1845.

How many letters did he shew you signed Devereux Shirley?—I believe he shewed me three. I believe there were three—there might be more.

How many did he shew you in the whole?—The first time I saw him he shewed me four or five letters at Uttoxeter.

How many in the whole has he shewn you professing to be sent by Lord Ferrers?—Nine or ten.

Have you seen to-day all the letters which you had previously seen as purporting to come from Lord Ferrers?—

I cannot say whether I have seen them all; I did not count them; and I cannot say that I have seen them all.

Just look at your own memorandum; I cannot identify those K, I, C, and J, or whatever they are; there are some of those you believe to be his handwriting; there are four put down there?—Four.

Can you identify those four which are the four that you at that time believed to be Lord Ferrers', and no more; which are those four?—They were then marked K; one with I, one with I, one with I.

Was that memorandum which you have there made after you had seen all the letters that were shewn to you?

—I made this memorandum yesterday.

Were those which were marked K, C, I, and J, which are four in number, were those all the letters which you believe to be in Lord Ferrers' handwriting?—No; I did not examine them all, not yesterday, I did not examine them all.

Do attend to the question; you have put down four letters, marked K, C, and two other letters which I forget, and which you put down yesterday; you put down those as believing those to be in Lord Ferrers' handwriting?—Yes.

Are those all which you saw which you believed to be in Lord Ferrers' writing?—But there were others that I saw that I believed to be in his handwriting.

Why are those put down K and J, or whatever they are; why then are those four selected?—Because they were very striking.

Look at your own words; "the letters which I believe to be Lord Ferrers' writing, four in number." How came that, if you believe them all?—I only put down the letters of those four.

Why not?—Because I believed it would not be of any consequence looking through them all.

You had seen them all?—Not before, I had not.

Not before yesterday?-No.

Was it yesterday for the first time you saw them?

Mr. Justice Wightman. He shewed him several letters; he looked through four, and did not look through any

others: he says, "These four I believe to be Lord Ferrers'."

Do you know which four those were?—Marked K, I, J, and C.

By Mr. Justice Wightman. At the time?-Yes.

By Mr. Justice Wightman. Four more?—No; the same four.

The Solicitor General. Those were the outside marks, we have now put numbers.

Did you not yesterday see more than four ?—I did.

About how many did you see at a time?—I cannot tell; I did not count them.

How many?—Seven or eight.

Did you look at them all?—I did not read them.

Did you look at them for the purpose of ascertaining whether they were Lord Ferrers' handwriting or not?—When I saw four letters which I could say were Lord Ferrers' writing I made this memorandum.

Did you not look at them all?—Not through.

Did you look at them sufficiently to see whether they were Lord Ferrers' or not?—I did not.

Did not look at them sufficiently to ascertain whether they were Lord Ferrers' or not?—I did not.

Were they not put into your hand for that express purpose?—All of them were not.

For what purpose were they put into your hand?

Mr. Justice Wightman. He does not say they were put into his hand?

Were they not put into your hand ?-They were not.

Were they given you to look at?—They were lying on the desk in Mr. Pearce's office.

You cannot tell me which of the letters you have seen to-day were marked H, I, G, and C?—No, I cannot.

You said, in answer to a question put by my learned friend, that the general character of these letters, as I understood you to say, corresponded with Lord Ferrers'; I presume you mean by that, the general character of the signature, for you have never seen any thing else?—I saw some part of them, I did not read them through.

When you say the general character corresponded with

his lordship's writing, do I understand you rightly when I suppose you to mean the general character of the signature?—I believe they are of the same character.

As his signature was?—As his signature was; I would not swear.

You do not attend to the question; do not be misunderstood?—Only seeing Lord Ferrers sign his name twice, I compared his signature with the letters.

When you speak of the general character resembling his, you mean the general character of the signature, which is all you have ever seen?—Yes.

## Re-examined by the Solicitor General.

There is a question respecting the ring; look at that ring (Handing the gold ring). You have known Lord Ferrers for several years?—I have.

Did you ever on any occasion see him wear a ring like that?—I saw him wear two rings, one on the little finger of each hand, but I cannot swear to the ring; I cannot say whether this is the same ring.

You say you have seen him wear a ring on each of his little fingers; I do not ask you to swear to that ring being identically the same, but just look at it, and tell me whether either of the rings which you saw his Lordship wear was like that?—They were like it, but I cannot swear it was this.

Were they like it?-Yes.

Was it a ring of that kind of stone, and as far as you remember that shape and make and kind of gold?—All I can recollect of it was, they were two plain rings; that is all I can recollect about it; I did not take further notice about them.

By Mr. Justice Wightman. Is that what you call a plain ring?—It is, my Lord.

Then was it like that?—It was a plain ring; I can't say whether it was exactly like that or not; I only know he had a ring on each little finger.

On what occasion was it you saw him wear those rings?

I saw them on his fingers when he signed the pay list;

I saw them on his fingers when he was at the mess table asleep, with his head on his arms across on the mess table.

I understood you to say, to the best of your recollection, you have seen nine or ten letters altogether purporting to come from Lord Ferrers?—I have.

And three purporting to come from Devereux?—Yes.

Now look, that we may have no mistake; look at those two first (Handing letters marked Y.)?—Yes, these are two of the letters.

Now look at that, and tell me if that is not the third?

Mr. Crowder. Call that Z. (The letter marked Z is handed to the witness.)

Is that the third?—I believe this is the third.

Now, with regard to the whole three, do you or do you not believe either of them to be in the handwriting of Lord Ferrers?—What is the question; would you put the question again?

Do you believe either of those three letters purporting to be signed by Devereux Shirley, to be in the handwriting of Lord Ferrers, his brother?—I cannot say that they are the handwriting of Lord Ferrers.

Are those the letters you have been speaking of?—These are the letters.

Which was the one, if either, that you thought more like Lord Ferrers' writing than some others?—There was one part of one of these letters that I thought more like; it was a stronger handwriting, more round.

Point out which of the three it was you thought more like Lord Ferrers' handwriting?—I believe this is it.

Mr. Humfrey. That is one of the letters marked Y; why, that is the one you had before.

If I understood, you told me, if I apprehended you correctly, Mr. Perkins, you have looked at all three of these letters signed Devereux Shirley?—Yes, I have.

You do not think either of them is the handwriting of Lord Ferrers?—I believe not.

But one of them; is that the one you think more like Lord Ferrers' handwriting?—Yes, a part of the letter.

Than another letter; was that other letter signed Monks; was that what you have been speaking to?—Yes.

Mr. Justice Wightman. He looks at one letter marked. Y, which he has said before was not.

The Solicitor General. So he says of them all. He says he does not believe any one of the three to be in the handwriting of Lord Ferrers; but he does believe one which we will call Y (a) if you please to distinguish it; a part of that more like Lord Ferrers' handwriting than the letter of Monks; is that so?—Yes.

Now look at that, and tell me if that is the letter of which you have been speaking, as connected with the name of Monks? (Handing a letter.)—It is.

The Solicitor General. This we will call Z Z.

You do not believe any of those four, neither the three signed Devereux nor Monks, to be in Lord Ferrers' hand writing?—I don't.

Now tell me if that is a copy of the verses you spoke of?
—(Handing a paper.) This is not the same that I saw; it was but a few lines; several lines.

Have you seen that before ?-No.

Give it me back then. (It was handed back to the Solicitor General.)

Is that it?—(Handing a single half sheet of paper.) No, Sir, this is not it.

Then, I am exhausted, I have no more. Do you remember at all what the verses were?—I do not.

Can't you give me the first word or two?-Not one word.

However, you saw some copy of verses which you thought not in Lord Ferrers' handwriting?—Yes.

I presume you would say the same of these; you think these not in his handwriting?—Those I have seen are not in his handwriting.

Those that I have handed to you?—I believe not.

See if that is it?—(Handing a very small slip of paper.) This is one that I have seen.

That was shewn to you; and that, you think, was not in Lord Ferrers' handwriting?

The Attorney General. I think the "gods have not made him poetical;" what he calls lines of poetry is: "If you love me, say not a word, dearest."

It is the rhyme you like so much in that!

The Solicitor General. If the Attorney General had written them, they would have been much better.

· Mr. Justice Wightman. Admitted on all hands not to be Lord Ferrers'.

The Solicitor General. It is dangerous to say anything about admission in a case like this.

Mr. Justice Wightman. No witness has said they were. That is what they mean.

Mr. Humfrey. No danger admitting they are not verses.

The Solicitor General. Every paper (verses included) which I have put into the witness's hand, he believes not to be in the handwriting of Lord Ferrers; and I have put in no paper, which the witness said he disbelieved to be in the handwriting of Lord Ferrers. I cannot put them in without an admission from my learned friend, which I do not mean to ask.

## Timothy Colborne, sworn, examined by the Solicitor General.

Were you formerly footman to Lord Ferrers?—Yes.

At what time; when did you go into his employ?—25th February, 1843.

How long did you remain with him?—About seven months. I left the 24th August, 1843.

Where was he living during that time?—At Chartley.

The whole of the time?—With the exception of a week now and then at Staunton Harold.

During that time did he occasionally go out to any distance?—During which time, while at Staunton?

During the time you lived with him?—Yes, he used to go out.

Have you ever been with him part of the way; did he go the whole way with the same horses?—I have been with him to Staunton Harold; he never took his own horses through; he took his own horses as far as Uttoxeter, and posted then——

By Mr. Justice Wightman. That is Chartley and Uttoxeter?—It is about seven miles.

Have you known him leave his home, go to some dis-

tance, and then go further on without your knowing where he went to ?—Yes, I have.

Did that happen frequently?—Several times.

How far has he gone when you knew where he was going?—As far as Rugely with his own horses, as far as we have known him to go.

How would he proceed from Rugely?—With post horses

from Rugely.

Have you ever gone with him as far as Rugely?—No; I have been with him to Lichfield, but never as far as Rugely.

By Mr. Justice Wightman. He took his own carriage

with him?—Yes, his own carriage.

And then he would go on with post horses?—Yes.

And you have not known where he went to?-No.

Is Rugely in the way to Austrey?—Yes, I believe it is. Have you seen him write. Do you know his handwrit-

ing?-Yes.

Have you looked at any letters purporting to be signed by him?—I have seen some of the letters. (The Witness examines No. 4.) I should say that is his lordship's handwriting.

Give them in order. (The Witness examines No. 1.)—This,

I should say, was his lordship's handwriting.

Is that No. 1?—Yes, that is No. 1.

That you believe to be in his handwriting?—Yes.

Now look at No. 2, and tell me whether you believe that to be in his writing? (The Witness examines No. 2.)—No. 2 I should say was his lordship's handwriting.

No. 3?—Yes, No 3, decidedly.

No. 4? you have spoken to that? No. 5?—Yes, No. 5 as well. (No. 6 the Witness examines.)

Do you believe that to be in his handwriting?—Yes.

No. 7. (The Witness examines No. 7.) What do you say to that?—That is his lordship's.

No. 8?—No. 8 is his lordship's; but it is written with a

lighter hand, not quite so black a pen.

You think it is his lordship's, but written with a lighter pen?—Yes. (The Witness examines No. 9.) No. 9, decidedly.

The same ?-Yes.

Now No. 10? (The Witness examines No. 10.)—And No. 10 as well.

Now look at the two letters A and B, and tell me if you believe those to be in his lordship's handwriting?—Yes, A certainly, that is his lordship's writing?

And B? (The Witness examines Letter B.)—And B.

Can you tell me how Lord Ferrers used to receive his letters from the post-office?—The bag was fetched in a morning from Shirley-wich by one of the labouring men; it used to be brought and given to his valet, and either the valet or his tiger used to take the bag up into his lordship's bedroom to be opened; it used to come about——

Where from ?—From Shirley-wich; one of the labouring men brought it; it was taken up either by his valet or his

tiger, whichever was in the way.

It used to be fetched from Shirley-wich by some of the labouring men, and then taken up by his valet or his tiger?

—Yes.

Did he keep a key? Was there one key at the post-office, and one he kept by himself?—Yes.

How used letters to be sent to the post?—His lordship had a box put up in the hall, with "letter-box," and the time of the post leaving painted on the box, and what letters were ready, used to be put into the box; when they were not ready, I used to go into the drawing-room to ask his lordship if he had any letters for the post. I have stood by his lordship until he has finished letters that were not quite ready, the butler has been standing with the bag to send them off; I used to give them to the butler to send away to Shirley-wich.

Have you been in the habit of seeing him write letters

and notes?—Yes, frequently.

Can you tell me whether it was his habit to write on scraps of paper, or little bits of paper?—Yes, his lordship frequently wrote in that kind of way.

Are you able to say whether he ever crossed letters?—Yes, frequently: I have stood by him, and I have taken his letters to the fire to dry them.

Which you have seen were crossed ?—Yes, which made

them appear and look very black when they were crossed. His letters in the general way were not quite so black at the commencement of the letter as what they were at the finishing off.

Did his hand vary in size and strength, or was it always pretty much the same?—Pretty much the same; it might vary a little; for instance, if he began with a new pen, it would appear different as he kept writing, the pen kept getting worse, got more into his style of hand towards the end of the letter.

What I wished to ask you particularly was, as to the size of the letters; had you any opportunity of observing whether the size of the letters varied?—He always wrote on note paper; and, sometimes, he would have a sheet, or two sheets, or a sheet and a half of it, and sometimes——

I am not asking the size of the paper, or the letters written, but the size of the handwriting: did the size of the handwriting; the length of each particular letter, l or m, or whatever it was; did they vary from time to time?—Generally much the same, I think, except the l is written, we will say if he was writing will, the last l of that will would be shorter than the first; I have noticed that in his lordship's writing.

I do not know whether you understand my question?—Yes, I understand it,

Whether the letters composing a word ——?—Yes, I understand what you mean, were all of a size in general, they might vary a little; but not much except he wrote in a wild manner.

Did he write a bigger handwriting one time than another?—It might vary a little at times, but not much.

Have you ever seen him or known him write his signature with his christian name, or any part of it, as well as the title?—I have seen him write it "Ferrers" and "Washington Ferrers."

Did you ever know him write Washington in any abbreviation; Wash. for example, "Wash. Ferrers?"—No, I can't say that I have. I have not noticed that particular.

### Cross-examined by the Attorney General.

Do I understand you to say that the opportunities you have had of seeing Lord Ferrers' handwriting were those in which you have taken notes to dry at the fire?—Yes, I used to stand by his lordship when he had not finished his letter.

Standing by his lordship when finishing the letters, and occasionally taken letters to dry at the fire?—Yes.

And you mean to say, you looked over his lordship while he was writing?—His lordship has been sitting at a low table writing, and I have stood behind him.

And you have looked over him?—I have not looked over him; I could not miss seeing the letters from the position I stood in.

You must have been looking at them ?-Yes.

And you must have been looking over him?—More on one side than over him. I did not look over his shoulder.

The Solicitor General. You mean to ask if he read the letters?

The Witness. No, I never read the letters.

The Attorney General. I want to know his opportunity of acquiring the knowledge of Lord Ferrers' handwriting. How often, writing from February to August, 1843, have you stood over Lord Ferrers and seen him write those notes?

—It would be impossible for me to tell you the quantity of times.

So often ?-So often.

Constantly ?-No.

Every day?—Very nearly so.

Very nearly every day; from February to August, during the time you were in his service?—At the commencement I went, he did not write so much, he was lame of one finger.

Did he always ask you to dry them at the fire?—Not always; he used to use blotting-paper sometimes.

Generally, he did?—Not generally.

How often did you dry them at the fire?—I cannot say; he more frequently dried them with blotting-paper than I dried them at the fire.

You can give an answer, how often you were asked to dry at the fire while you were waiting?—Perhaps a couple of dozens of times.

Was that at the latter part of your time?—Yes.

That he asked you to dry them; he had not blotting-paper.—Always had; but I dried them while he was writing the direction on the envelope.

Was it upon those occasions you saw the signature "Washington Ferrers?"—Yes.

How often did you see the signature "Washington Ferrers?"—I cannot say; not to say exactly how often.

A great number of times?—Yes; a great number of times.

Do you suppose fifty times?—I should say so.

Or perhaps one hundred?—I can't say to one hundred; I should say fifty.

That you have seen his signature "Washington Ferrers" fifty times?—Yes; without a doubt.

To notes he sent out?—Yes.

To different persons?—To different persons.

Persons generally in the neighbourhood?—Not immediately; to his friends Mr. Evelyn Shirley or Mrs. Tracey.

Then to Mr. Evelyn Shirley and Mrs. Tracey?—And Mr. Devereux perhaps.

Anybody else of the family you remember?—Not particularly.

You saw him sign "Washington Ferrers" you say probably about fifty times; how many times did you see him sign "Ferrers" merely?—I am sure I can't say.

A great number?—Yes.

Two or three hundred?—Not so much as that quite.

How many should you say?—I cannot say near the mark.

. About a hundred?—Perhaps; say that,

Would you say more?-More, if any, I dare say.

Were these the occasions on which you were drying them at the fire, or when you were looking over them?

When I was drying them at the fire, or when I stayed looking, waiting for the letters.

While you were looking over him, and they were drying by the fire, you observed upwards of one hundred and fifty signatures of different descriptions?—Yes.

And this during the whole time you were there?—Yes; with the exception of a short time, at first, in consequence of his finger.

He was not away at all during the time you were there?

Yes, a week sometimes.

Was he not away for a month at a time?—Not so long as that that I recollect of.

Upon your oath was he not on a visit to his sister in Wales; was he not absent for a month during the time you were in his service?—I think it was under the month. He went a day or two after I went to live with him, or the day but one afterwards.

He was absent under the month?—Yes; between three weeks and a month, I can't say to a day.

Did you go with him?—No.

Who did?—Warren and the tiger went with him. Warren was the Valet.

The tiger was called Joe—was he not?—Yes; and Mr. and Mrs. Eld went as well, if I recollect right.

They went along with Lord Ferrers?—Yes.

Now, attend; during the time that you were with Lord Ferrers, six months, did you go anywhere with his Lordship?—Yes.

Where?—We went to the Peak of Derbyshire, I went with him there, and Baxter.

How long was he absent then?—He was absent about five days.

Did he keep on writing in the same way, you drying his letters?—Not whilst out.

Did you go anywhere else with him?—I was at Lichfield with him.

Did you stay with him?—We were eight days there.

Did he go on writing at Lichfield?—He did not write there: yes, I have seen him write there a time or two.

Did you dry his letters there: at Lichfield?—No.

Did you stand over him there?-No, I did not.

We have the Peak of Derbyshire, and Lichfield, and the

visit to Wales; did you go anywhere else with him?—To Staunton.

You went?-Yes.

How long did you stay at Staunton?—Not above two or three days that time.

Were you there more than once?—Only once I was with him there.

Was his lordship absent from home when you did not go with him at any other times during your service?—Yes; he has gone to Staunton for a week or so, at times.

You could not dry his letters then when you were at Chartley?—I was left at Chartley.

You could not dry his letters at Staunton?—No.

How often did his lordship go to Staunton during the time you were in his service?—I cannot say how often he went, exactly.

Four or five times ?-Yes.

How long each time did he stay?—Sometimes he only stayed two or three days, sometimes a week or ten days.

You are cutting up your six months at a great rate; you know you only went once with him?—No.

And that was only for three or four days?-No.

When his lordship went to Staunton, or went away, was he always accompanied by somebody?—Always somebody went along with him.

I just want to know who were the men-servants during the time you were with Lord Ferrers?—The names of them?

Yes?—Thomas Leadbitter, the butler; James Warren, he was the valet; Joseph, or Josiah (we always called him Joe), the tiger.

Better for being shorter?—Elijah Denhurst, he was under butler.

I mean, did they accompany his lordship; did one of the servants go with him?—One, or more, or two.

Always?—Yes.

And, generally, when his lordship went from home, did Mr. Eld go with him?—Not always; Mr. Eld, junior, used to go with him a great deal, Mr. William Eld.

I understood you to say that the only occasion on which

you went from home with his lordship, and stayed from home, was on that visit to Staunton?—And Lichfield, and the Peak of Derbyshire.

Did any other servant go with you?—Yes, the tiger went with me to Staunton, and the tiger and valet went with us when we went through Derbyshire.

Who to Lichfield?—The tiger and valet, the first coachman, the second coachman, the groom and helper; I think there was seven of us at Lichfield with his lordship: there was myself, and his valet, and tiger, the first and second coachman, a groom, and a helper.

To Derbyshire?—There was the valet, the tiger, and myself; Mr. William Eld went with him to Derbyshire when he went.

Did Mr. William Eld,—when you went to Staunton, the time you went and remained there, did either of the Mr. Elds go?—I think it was Mr. Gilpin that went with us when I went with him to Staunton.

Mr. Gilpin?—Yes, to the best of my recollection it was; I won't say positively, I believe it was.

You say that Lord Ferrers;—we will take one occasion as to the mode in which he travelled: how far did he go with his own horses on that occasion?—As far as Uttoxeter.

Then he had post-horses on to Staunton? — The post-horses as far as Burton, and then changed horses again.

Post-horses changing at Burton?—Yes.

And those carried him to Staunton?—Yes, from Burton. Upon that occasion, when you were there, had Lord Ferrers any saddle-horses at Staunton?—No.

Did you ever know, during the time you were in the service of his Lordship, his having any saddle-horses at Staunton?—I can't say positively, but I think not. I think there was a horse there, or two, that he could have rode; but I do not recollect that he took his own saddle-horses.

Don't you recollect that he did not?—I think he did not.

Are you not quite sure he did not?—I cannot be sure;

but to the best of my recollection I think he did not take them.

Let me understand what you mean; in your examination by my learned friend, the Solicitor General, you said that you went with Lord Ferrers as far at Rugely, and then his lordship went on by himself?—I did not say that; I said the tiger and second coachman went. When he went to Lichfield I went all the way with him.

Mr, Justice Wightman. He said he had left home, and gone to Rugely, and then took horses; I do not know where he went.

The Witness. I did not say I went along with him.

I understand you to say, wherever you left him, and when he went from home, if he went as far as Rugely, and you returned, that there were other servants went with him wherever he went?—If I had gone as far as there, I should have gone with him; the second coachman and the tiger went along with him; I did not go with him to Rugely.

You said you went on with him to Rugely?—No, I did

not.

The Solicitor General. No, he did not; I thought he said so at first.

Mr. Justice Wightman. The question was put, "have you ever known him do so and so;" the answer is, "he has." That does not imply that he was with him. I think he said that Rugely was in the way to Austrey.

The Witness. I should think it was.

It is in the way to Lichfield?—Yes; Lichfield is in the way to Austrey if you go that way.

The next town-to Rugely is Lichfield?—Yes, it depends which side you take; whether you take for Uttoxeter or Stafford; it depends on which way you are going.

Uttoxeter is a long way to the north?—You turn round to the left when you get to Rugely if going to Birmingham, and that way Lichfield is the next town to Rugely.

Going the other way to Derby, Uttoxeter would be? —Yes.

... I understand new, you say that although you did not

know where his lordship went when you left him, if you went to Rugely, or any other place, and then left him there, that there were other servants that went with him?

—Yes.

Who would know?-Yes.

Always?—Always.

By Mr. Justice Wightman. That is what you said, that if he went in the manner you described to Rugely, there were servants went with him, and would go on with him?—Yes, unless he left them by the way anywhere.

Now having had these excellent opportunities of acquiring a perfect knowledge of Lord Ferrers' handwriting, take again that paper into your hands; they are strikingly like are they?—Very much.

The whole of them?—The whole of what I have seen are.

And all that have been put into your hands?—Yes.

You see no difference at all, they are very much like?— There is a difference; some are heavier than others, but it is his lordship's style of writing without doubt, and the signatures particularly are his lordship's, I should say.

The signatures you say particularly?—Yes.

All the signatures?—Yes.

But you do find a difference in some of the body of the letters?—In some of the body of the letters there is a little difference.

What do you mean by different?—Not quite so heavy a hand; it may be with a new pen.

The same resemblance?—Yes.

The same character?—Yes.

Strikingly like?—Yes.

So as not to produce any hesitation in your mind?—Not at all.

If you had seen any of these letters without the signature, you would have known immediately it was Lord Ferrers'?—Yes, I should say it was.

You do not make any exception in that respect, but all the letters?—What I have seen.

If you had seen them any where, without even the signature, you would immediately have been struck with them as being Lord Ferrers', without a question, without a doubt?
—Yes, I think I should.

Just take the first letter into your hand (No. 1); of course you can read very well, I take for granted, now a days?—Yes.

And write too ?-Yes.

Do you write a great number of letters?—I have not such great correspondence as that.

How many a year do you suppose you write?—I cannot tell you; I can't keep account of what I write. (The Witness examines No. 1).

Are you in service now?—Yes.

Have you been in service since you left Lord Ferrers?—Yes.

The whole time?—I was two months out of service after I left his Lordship; eleven weeks it was, that was the time.

When did you first see those letters which you have been speaking to?—The first I saw of them was in March, 1844.

I do not want to catch you by a date; do not be in a hurry, take time?—1845.

In March, 1845?—Yes.

Where did you see them?—A gentleman brought them over to me to Derby.

Who was the gentleman?—I can't say; I believe his name was Forest, I understood Mr. Hamel.

Forest or Forrester?—I understood Forest; I can't say what his name was.

Forrester?—I think so; I am not certain.

Do you mean Forrester, was that a policeman?—I presume he was something of that sort; I believe he was.

Forrester, formerly the Bow-street officer?—I believe that was the man; I was told it was.

Mr. Forrester hunted you out, did he?—Yes, at first.

Had Mr. Forrester then the letters with him?—Yes; I do not know how many he had with him; he showed me three or four of them.

Did you learn how you had been found out?—No, I did not ask him how he found me out particular.

Did any body else after Mr. Forrester shewed you the letters?—Yes.

Who?—Not until I came to London, the last time, the trial was to take place.

Did you never see any of the other letters; Forrester, as I understood you, shewed you three or four?—Three or four, not more.

You never saw more than those three or four, when you came to London, when the trial was expected to come on?

—Not until then.

Who shewed them then?—Mr. Hamel shewed me them. Did he shew you all you have seen to-day?—Yes, I think there were one or two besides, that he shewed.

Two besides?—Two or more.

Did Mr. Hamel shew you those two or more letters, as being the letters of Lord Ferrers?—He asked me, in my opinion, whether I thought they were his lordship's letters.

Those letters you have not seen to-day?—Not to-day.

# Re-examined by the Solicitor General.

Were those letters purporting to be Devereux Shirley's?

—One was signed Devereux, the other was signed Captain Monk.

When you left Lord Ferrers' employ, had you a recommendation from his agent, Mr. Eld?—Yes, afterwards.

William Stanton sworn, examined by Mr. Robinson.

Are you a butcher at Appleby?—I believe I am.

How far is Appleby from Austrey?—About two miles, I think.

Were you living at Appleby in the years 1840, 1841, 1842?—Yes, Sir.

I do not know whether you are living there now; are you living there now?—Certainly not; I am here now, but when I am at home there, I am there.

When you are at home, are you living at Appleby still, or not?—Yes.

Did you know the person of Lord Ferrers when he was Lord Tamworth?—I did, Sir.

Were you acquainted with his person well?—I knew him.

Did you know Miss Smith?-Yes, I do.

In any of the years that I have mentioned, 1842 or 1843, did you ever see Lord Ferrers and Miss Smith together?—1843 I have, and previous to 1843.

Tell me, first of all, the occasions previous to 1843, when you saw them together, where was it?—It was between Austrey and Appleby.

On the road there?—Yes.

When was that. Can you fix the time?—1843.

Can you fix it more nearly than stating the year in which it was; what part of the year was it?—In July, August, or September.

Where were you coming from yourself. Do you recollect?—I was coming from nowhere.

You were on no particular business?—Yes, I had been getting potatoes in my garden.

You were coming from your garden?—Yes, if you like.

You say they were together; were they walking together or talking, or what?—They was walking together.

About what time of the day was that?—From 11 till 2.

Are you sure that they were the persons you saw that time walking together?—I am certain.

Did you see them afterwards together ever?—Not after 1843.

Did you see them together on any other occasion?—Previous to that time I did.

Now, will you just state where you saw them, or when you first saw them together, as far as you recollect. When was it you first saw them together?—I think it was about 1840, 1840 or 1841. I would not charge my memory with the thing altogether, but I think about 1840 or 1841. I do not mean to say candidly, but I believe it was about that time.

You think the first time was about 1840 or 1841?—Yes, to the best of my knowledge.

When was it you saw them together then?

The Attorney General. What part of 1840 or 1841?

Where was it you then saw them together the first time, you can call to mind?—It was very near Austrey brick-yard.

Can you recollect what part of the year it was; what time of the year?—I cannot.

Mr. Justice Wightman. He cannot recollect the year.

Can you state this, whether on other occasions besides those two you have mentioned, you have seen Lord Ferrers and this young lady together, or only those two occasions?

—Only those two occasions.

Those are the only two occasions on which you saw Lord Ferrers and Miss Smith together?—That is right.

What were they doing the first time you saw them, were they then walking together or not?—Yes, they was.

Are you sure that it was they that you saw on that first occasion?—I am sure it was Miss Smith and Lord Tamworth.

That you are quite sure about?—I am sure of it, Sir.

### Cross-examined by Mr. Crowder.

Let us take the first time first, you say you are sure it was Miss Smith and Lord Tamworth that you saw?—It was.

You have not fixed the year, and therefore, of course, I suppose you can't fix the month, or day; do you know the time of day?—From eleven till about two.

This is the first time, 1840, or 1841, I am speaking of the earliest date; you say you saw them in 1840, or 1841, near Austrey brick-yard, what time of the day was it you saw them there?

By Mr. Justice Wightman. Near Austrey brick-yard?
—From eleven till about two.

So I understood; it was also between eleven and two that you saw them in 1843, you have already said?—Yes, certainly.

Do you mean they were walking all that time together, or it was between those two hours?—Oh, I can't say they

were walking all the time together, not in the three hours.

You were not present all the time?—I was not.

You are sure it was between the hours of eleven and two?

—From eleven until about two. I cannot charge my memory with the exact punctual time.

This brick-yard, you can't recollect whether it was in 1840, or 1841; you saw them last in 1843?—Yes.

Was it two years before that, or can you fix it in that way?—It was in 1841, or 1840, I would not be certain which of the two.

Can you give us whether it was summer, winter, or spring?—The latter end of the year, as I just said, previously to now, July, August, or September.

Then it was fortunate; let me see that I do not misunderstand you; it was sometime in one of those months that you saw them together in 1840 and 1841, as well as in 1843, was it?—Just ask me that question again if you please?

It is not a great deal to go to; you have seen them twice: the first time you saw them together which you say was sometime in 1840, or 1841, what month was it in. I asked you what month it was in?—I can't exactly say.

As near; give us two or three months?—I cannot exactly say which month.

Was it summer ?—It was in the summer time.

You did mention two or three months just now?—Yes, I did to a certainty.

Well?—That is July, August, or September.

July, August, or September 1840, or 1841?—No, 1843, Sir.

Just at present confine your attention to the first time that you saw them together out of the two at the brick-yard; what month was it in?—I cannot say exactly.

What time of the year was it?—I cannot say exactly.

What time of the year was it?—I can't say.

Was it summer, winter, spring, or autumn?—It was in the summer, Sir.

What part of the summer, can you give us about?—I can't exactly say.

What month do you call; what do you mean by the summer?—In the summer months.

What do you call the summer months?—From June to October.

Was it sometime between June and October when it was near the brick-yard?—Yes, twice to a certainty.

You have given us the time of the day: what were you doing there when you saw them near the brick-yard?—I was at work in my garden.

Have you a garden near the brick-yard?—I had several at that time.

Had you one near the brick-yard, or several near the brick-yard?—One close to it, and one very near it.

Which was the nearest; the one close to it, or the one very near it?—That that was close to it was the nearest.

You were working in the garden: were they walking or standing together?—They were walking.

Walking along the road ?—I believe they were.

You can recollect whether they were walking along the road or not?—They were walking along the road.

And you were working in the garden. Were you digging anything, or what?—I was digging.

And you saw them pass, did you?—Yes, I did.

How long might you have had them in sight?—I am sure I cannot tell exactly.

Time enough for them to pass by: do you mean that?

—Oh, more than that.

Did they just stop a little and talk while you were digging?—I never heard them speak.

You could tell whether they walked on or stopped a little?—They were walking on to a certainty.

Did you leave off your digging?—No, certainly I did not.

You kept digging on ?-I kept working like a rum'un.

You hardly had time to look off if you were working like a rum'un; you saw them pass and you did not cease from your work?—I did not cease, certainly not; but, at

the same time, I saw them; and I did not cease from my work.

What were you digging up there?—I was digging the ground up.

You cannot recollect what year it was in. I should like if you could recollect the year?—I cannot recollect exactly.

In 1843, you say it was July, August, or September of that year?—Yes.

Was that at some distance from the brick-yard?—It was in Salt Street when I saw them first; I met them.

You said "on the road;" is that on the road?—Salt Street is a lane that crosses between the Appleby lane and Austrey.

Is it what you call on the road; you say you saw them on the road?—To be sure it is; but it is not a public road, more accommodation than anything else.

At that time you were going from your garden, you say; where were you going to?—Allow me to tell you that I met them in Salt Street, when I was going from my garden; that was one; another day, I was going up with my barrow for some potatoes.

Go on ?—I met Miss Smith; and in about a hundred or two hundred yards after, I met Lord Tamworth; that was in the morning. I got my potatoes up; was taking them down for my dinner, I then, Sir, met my Lord Tamworth and Miss Smith coming back again. I was going down home, and they were coming from Appleby towards Austrey.

Is that the third time you met them together?—No, the second time.

You had previously seen one, and the other two hundred yards behind?—Yes; I met Miss Smith in the first place, and then, after a little space, I met Lord Tamworth.

How long after you had seen them in this way was it you saw them come back together?—It might be an hour and a half.

You with your barrow, you say?—Yes, I had got my barrow, and potatoes in it. I was going down to my dinner.

Did you pass close by them?—I met them.

Close by?—Certainly.

What time was it you were passing with your barrow; you say you were going to dinner; what time do you dine?

—I should think it might be about twelve; it might be half-past eleven; or it might be twelve; or it might be half-past twelve.

What time did you dine?—Well, I can't tell exactly,—perhaps one.

You say you have this garden; how do you get your living; is it by the garden?—Certainly not.

What is it; you are a butcher?—Yes.

A butcher are you?—Now and then.

Butcher now and then ?-Yes.

How do you mean, butcher now and then; what do you mean by butcher now and then?—I don't understand you.

And I don't understand you; you say you are a butcher now and then?—Yes, I don't kill regularly.

You do not kill regularly?—No, certainly not.

But now and then; what are the intervals; once a month, or two months; or how is that?—Oh, oftener than that.

Oftener than that ?--Sometimes.

Sometimes you have not anything in the butchering line at all?—No, I have not.

And for six months?—No, not so much as that.

Will you swear you have not been six months without any work as a butcher?—Sir?

Will you swear you have not been as long as six months without any work as a butcher?—I will swear I have not killed anything on my own account, no more than pig killing.

For how long?—Why, I should think six or seven months, perhaps a twelvementh.

Do you sell that, do you mean, or merely for yourself; do you kill those to sell?—No: I kill pigs, you know.

For other people?—Yes.

You have been a year without selling anything you have killed?—Yes, I will be bound I have, and more.

Two years?-Yes.

More than two years?—Yes, more than two years.

Have you been three years without killing anything to sell?—I dare say I have.

Four years?—Oh! I don't know; I cannot say that.

You have been three or four years: is that the last three years; have you been the last three years having nothing to sell as a butcher?—Well, I have not been killing not for several years. Allow me to tell you something about the truth, Sir.

Mr. Crowder. Why, I should like that if we could get

Mr. Justice Wightman. You must answer the questions.

I want to know how you are a butcher. It appears, now you have answered that, and it is quite enough, as to these gardens that you have got;—you have more than one or two gardens you have mentioned?—One, two, three, four; I had four, but now only one.

Since when have you had one ?-Now.

For how long is it you have only had one?—I should think about three quarters of a year; it might be a twelvemonth.

I believe you made a journey to London before, to give evidence, when this cause was coming on, did you not?—Sir?

Did you come to London for the purpose of being a witness when the cause was expected to come on?—Yes.

Were you sent back again, because you had nothing to say that would serve the purpose of the plaintiff?—I was not sent back at all.

Did they tell you that you would not be wanted then, as you had nothing to say that was useful?—Why I can't exactly say that.

Well, we will try and see that: I dare say you will be able to tell me: when you say you were not sent back, they told you you might go back, did they not; that you were not wanted?—Certainly, they did.

When you were told you were not wanted, were you told it was because you had nothing to prove that was useful?

—(No answer.)

By Mr. Justice Wightman. Did they say so to you; did they tell you, you might go back because you could prove nothing that was useful?—They did not.

You have been a long time thinking of that?—They did

not; I beg pardon, I did not understand you.

Now, just attend to me; do you mean to swear that nothing of that sort was said to you; either that you could prove nothing useful, or that you had nothing to say, and therefore, you might go back?—Nothing of the words were passed.

That you swear?—Well, I will not exactly. I cannot tell you what the words were exactly, and no mistake.

By Mr. Justice Wightman. Was anything to that effect said?—No, it was not.

What was said ?—I am sure I forget.

You did not know why you went back when you were to be a witness?—I know I did go back, and no mistake about it.

Did you not know why you were to go back?—I can't say that.

Do you know a man named Cottons?—Yes, I do.

I will see whether you can recollect; and do you know a man named Saddington also?—There are so many of that name.

Do you remember being in company with Cottons and Saddington when you were talking about this matter?—I do not recollect it.

Do you remember your telling Saddington that you did not believe he had ever seen Miss Smith and Lord Ferrers together?—I do not recollect that ever I said so.

You do not recollect?—I do not recollect that I ever said so.

Will you swear that you never said so?—I don't recollect as ever I said so.

Will you venture to swear you did not say to Saddington that you did not believe he had ever seen Miss Smith and Lord Ferrers together?—I really can't say; I can't say.

By Mr. Justice Wightman. You would not swear you did not say that?—No, I could not, my lord.

I will try you again. Did you give this reason: you

said he had never seen it because you had a garden on the Appleby road, and had never seen them together in your life?—I do not recollect anything of the sort.

I am not asking about your recollection. On your solemn oath do you venture to swear you did not say so?— Well, I could not charge my memory with it; I can't, indeed.

By Mr. Justice Wightman. Do you mean by that you will not swear that you did not say so?—(No answer).

Do you mean by that to say you will not swear you did not say so?—Well, I do not think I did.

By Mr. Justice Wightman. Will you swear you did not, that is the question?—Well, I cannot conscientiously say.

Can you conscientiously swear to this. Just attend. Did you not tell Cottons that you were sent back after your first journey to London, because you had nothing to say?—I never told Cottons nothing of the sort, and no mistake about the question.

Mr. Justice Wightman. What did he say he could not conscientiously state?

The Attorney General. That he could not have seen Miss Smith and Lord Ferrers together, for that he, the Witness, had a garden on the Appleby road, and that he had never seen them together in his life.

Now, I want to know whether you will conscientiously swear that you did not tell Cotton that you were sent back after your first journey to London because you had nothing to say?—I did not, I did not.

Will you swear you did not say anything to that effect?

—I can't say that, Sir.

You did not use those words: you cannot say you did not say anything to that effect?—I believe I did not.

You won't swear it?-No, I won't swear it.

You know Cottons very well?—Yes.

He sold you a calf some years ago ?—Yes.

And you never paid him for it?—Yes, I did.

You paid Cottons for his calf?—Yes, and no mistake about the question.

### Re-examined by the Solicitor General.

When you saw Lord Tamworth and Miss Smith together, when you had the wheelbarrow, were they walking separately, or had they a hold of each other's arm, or either hold of arms, do you remember?—Yes.

Which was it?—She was hanging on Lord Ferrers' arm, on Lord Tamworth's arm.

By Mr. Justice Wightman. The first or the second time?

—The second time.

Let us see that we quite understand you; was it once only or twice that you saw them together in the year 1843?

—Twice in 1843.

Mr. Crowder. He has not said so.

The Witness. Twice in 1843; very recently; very near together.

You mean the two occasions were near to each other?—

How long was it between?—Well, perhaps it might be a few days, or it might be a week.

Where was it you saw them the first time?—In Salt Street; the first time I saw them in Salt Street, and the second time I saw them in the lane between Appleby brick-yard; Austrey brick-yard and Appleby.

Were these both in 1843; one a few days after the other?

—Yes, they were.

Mr. Justice Wightman. He has described seeing them twice on the same day.

The Witness. No, I beg your pardon, Sir, I did not say it was on the same day; you misunderstood me.

Mr. Justice Wightman. Attend to me one moment. He said he saw Miss Smith going first, and then about a hundred or two hundred yards Lord Tamworth following; then the same day as he was going to his dinner he met them together coming back.

The Witness. That is quite right.

Mr. Justice Wightman. He denies it now.

The Witness. No, my lord, I beg your pardon, I saw them in Salt Street previous to that time.

The Solicitor General. If your lordship will allow me there is no discrepancy.

Mr. Justice Wightman. When I said he saw them twice on the same day he denied it.

The Solicitor General. Because it was put "together." You said you saw them on one occasion, when you first saw Miss Smith, and that Lord Tamworth was following at the distance of a hundred or two hundred yards?—That is the same day. I met Miss Smith in the first place, and afterwards I met his lordship. I met Lord Tamworth afterwards. Then I was going back again with my barrow home, then I met them, as I have just stated to you.

Together ?-Yes.

Now, when did that take place; was that in 1843?—It was in 1843.

But you saw them first walking at a distance, at a hundred or two hundred yards from each other; and afterwards, on the same day, met them walking together?—Yes, that is quite correct.

Now, what I ask you is, whether, besides seeing them on that day, you also saw them together on some other day in 1843?—Yes, previously to the day that I have told you.

How long previous?—Perhaps three or four days, it might be a week.

The Solicitor General. It is quite true, he did not say this before.

Mr. Justice Wightman. He said more than that, he said he had only seen them on two occasions.

The Solicitor General. There is no doubt he did say so. Are we to understand that you saw them together on two different days, in 1843?—I did.

Now, did you also see them together some years before that, in 1840, or 1841; so that you have seen them three times together, is that it?—Yes, I am certain I have seen them those times, and I think a little more.

Mr. Justice Wightman. He has already stated he never saw them but twice, distinctly; it comes to three times and a little more.

The Witness. Yes, my lord, I meant to say, previous, that was the time that Lord Tamworth was along with Mr.

Echalaz of Austrey, previous to his going on the Continent.

I am to understand this: you saw them together twice in 1843, and you saw them together once at some earlier period?—Yes.

Now, you have been asked about something that took place upon the occasion of the last trial; do you know this case was to have been tried in December, and that it did not come on?—Yes, I am aware of that.

Did you meet these witnesses, these people, Cottons and Saddington; were they in London at the time?—Yes, I believe they were.

Where was it you had any conversation with them about this cause?—Nowhere, that I recollect.

Did you see Saddington at all?—I was with him at the Sussex Hotel.

You have been asked a good deal about your saying that Saddington could not prove this, and you had never seen them, and so on?—I do not recollect that.

You mislead us, because you do not wait until you hear the question; did you, after your leaving London, when you attended here in December last, see Cottons or Saddington in the country?—Certainly, I did.

Was it then you had any conversation respecting your having been up in London?—I don't recollect that.

You don't recollect it?—I do not.

Are you in the habit of meeting with them; are they neighbours of yours?—Yes.

Have you seen them a great many times since?—Yes, I have many times, I dare say.

Does Cottons keep a public-house?—He does.

You don't remember what has passed between you on those occasions?—I do not. Will you have the kindness to allow me to speak a little, a word or two.

The Solicitor General. As far as I am concerned, I had rather not.

Thomas Trennadine, sworn, examined by Mr. Symons.

Are you a maltster living at Appleby?—Yes.

Do you know Lord Ferrers?—Very well, at that time.

Did you know him when he was Lord Tamworth?—Yes, I knew him when he was at Mr. Echalaz's.

How far back did you see him?—Saw him every day.

In what year?—In 1839.

Did you also at that time know Miss Smith, the Plaintiff in this action?—Very well.

Had you been living near to Austrey?—Yes, I lived near the very place.

Did you ever see them together at any time?—Never saw them together.

Not together?—Not together.

Did you ever see him come out of any house?—I saw him come out of Mr. Smith's garden by the gate.

Was that the house of Mr. Smith, her father?—Yes, the

garden-gate, front of the house.

What part of 1839?—It would be October, perhaps November, I cannot be exact to the month.

About what time in the evening?—It might be nine to half-past nine, from that to ten o'clock, I cannot say precisely.

Did you, at any other time, see him come from there?—

More than once or twice.

How many times, as near as you can tell?—Three or four different times, not to take particular notice.

Was he each time coming out of the premises?—I met him plump coming from the premises.

You saw him more than once?—Yes, more than once.

Did you see him quite plainly?—Yes, quite plainly, and walked up the street with him more than a hundred yards.

### Cross-examined by Mr. Crowder.

You knew Miss Smith?—Yes, very well.

At that time she was about thirteen years old?—I cannot say what her age was.

She is now twenty-one they say, and this was in 1839. She was quite a child, was she not?—No, a young lady.

You describe yourself as a maltster; have you any shop?

—I have malted for Mr. Lees for thirteen years; I am a maltster and brick maker by trade.

Do you work for somebody as a labourer?—No, I do not work as a labourer.

As a journeyman?—Yes.

How long have you worked for him?—Eight full years, and thirteen summers.

Have you been away from Appleby for some time?—Yes, I was away from Appleby two years.

When was that?—That was some years ago, between seven and eight years ago.

Was that before or after the year 1839?—It is since. No; it was before 1839.

Which do you mean?—It was before 1839 that I was away.

You were away for two years?—More than two years.

So I thought; how much more than two years?—I cannot say exactly.

Try?—I might be away two or three years.

Or four ?—I cannot say how long I was away.

Five ?—I was not away five.

Will you swear you were not away above four years?—Yes.

What were you away for ?—Nothing that I know of.

Will you swear you were not out of the way to avoid a prosecution?—Yes, I will.

Now, be cautious: where did you go to?—The first job of work I got when I went from home; I went to Stafford, and from there to Manchester.

Did you go away rather suddenly ?-Yes.

Do you swear that?—Yes.

Be a little cautious; was there any charge by your master about some malt?—Not on my part.

No; but on his. Do you mean to swear, and be a little careful, that there was not a charge by Mr. Lees against you?—It was not against me.

Do you mean to swear that?—Against his son: it was not against me.

Was that just about the time that you left?—That was not the time I left Austrey.

When was that?—After I came back again.

Have you never been away since?-No.

Have you never been away since you came back?—No. Not at all?—Yes.

Have you been working for Mr. Lees the whole of the time?—I have not been working for Mr. Lees since. I have been working with Mr. Saddington, of Appleby, since.

I thought you said you had worked for Mr. Lees eight years and thirteen summers?—I did up to that time; not since I went away.

That is, six or seven years ago?—Yes; since I worked for Mr. Lees.

Have you ever worked for him since you went away to Stafford?—Yes, I have worked for Mr. Lees since I went away to Stafford.

When?—1839 and 1840, I worked last since I came back.

How old do you suppose Lord Tamworth was at this time?—I cannot say anything of his age.

You can tell whether he was old or young?—He was at Mr. Echalaz's at the time I saw him. I saw him more than once or twice a day.

This, did you say, was in the year 1839?—It was.

Where did you say you saw him come out of Mr. Smith's garden-gate?—The garden-gate in front of the house.

Was anybody with you?—No; there was nobody with me.

Not at any time?—Yes; there was several people walked about: they did not take any notice.

Was there anybody there, except yourself, who saw him upon any of these occasions?—Yes; young Mr. Till. He was there at the time; but they did not take any notice of him.

What time of the year was it?—In November, to the best of my knowledge; about the latter end of October or November.

How near were you to him?—Why, I could have touched him. I walked up by the side with him.

Were you by yourself?—I was by myself at the time; particularly I remember his coming. I have been into Mr. Till's for a light.

Is this only once you saw him?—I saw him several times come off the premises; more than once or twice the same way, through the gate.

That is the way people do come off the premises, through the gate?—Yes.

When were the other times?—It was in that time. It was November or October.

It was all just about the same time?—Within six or seven weeks.

### Re-examined by the Solicitor General.

That would be a little more than six years ago?—It was 1839.

Is there any truth at all of any charge having been made against you by Mr. Lees?—Not at all.

Mr. Lees is here ?—I believe he is.

# William Taylor, sworn, examined by the Solicitor General.

Do you live at Austrey?—Not when I am in London.

Did you live there?—Yes.

Do you live there when you are at home ?—Yes.

Do you remember Lord Tamworth, who is now Lord Ferrers, being at Austrey?—Yes, I do.

Do you remember his being there ?—Yes, I do.

Now did you at any time see him and Miss Smith together?—I passed them both at one certain time, and a horse as well.

How long ago was this?—I think it was about 1814.

By Mr. Justice Wightman. This man seems exceedingly tipsy.

The Witness. No, I am not.

The Solicitor General. I will not ask this witness any questions.

# William Tell, sworn, examined by the Solicitor General.

Do you live at Austrey?-When I am at home, I do.

Do you know Lord Ferrers by sight; Lord Tamworth that was?—Yes.

Do you know Miss Smith?-Yes.

Did you ever see them together?—Yes, I have.

How long ago?—Three years ago.

Where did you see them?—They were in the road that

goes from Austrey to Appleby.

Were they together, walking together?—They were not close together when I saw them, they were walking level in the road.

How much apart?—Well, they might be three yards

apart, I cannot say.

Did you keep them in sight for any length of time?— No, I did not, I passed by them; I was going the contrary

way to which they were.

Could you hear whether they were talking to each other?

—I heard Lord Tamworth; he was then I believe; I do not understand his name, Lord Ferrers; I heard him say something; I could not understand what it was.

Did he appear to be speaking to Miss Smith?—He was

not speaking to me, and there was no one else by.

Did you see any thing more of them on that occasion?— No, I passed by them.

# Cross-examined by Mr. Crowder.

What are you?—Me, sir?

Yes?—My father is a very small farmer.

And what do you do?—I work as a labouring man; anything that I can get; anything in the labouring way.

You say you knew Lord Tamworth, did you know him

when he was living at Mr. Echalaz's?—Yes.

Were you there all the time that he was there?—Yes.

Were you in the neighbourhood?—Yes, I was.

Do you know when he went away?—No, I do not; I could not tell the time that he went away.

You mentioned the time, three years ago; what makes you say three years ago; do you recollect what year it was in?—It was three years back since I saw them.

What month, do you recollect the time of the year?—

What! that I saw him, do you mean?

Yes.—In November, to the best of my knowledge.

Last November three years, is that what you mean?—Yes.

Do you recollect the day?—No.

You are sure it was in the month of November?-Yes.

What were you doing, or going to do?—I had been a foddering.

This road between Austrey and Appleby, is that the public road?—You don't mean the turnpike, do you?

You say it is the road between Austrey and Appleby?

—It is not a turnpike; there are no toll-gates and no coaches upon it.

What time was it?—As near as I could tell, it was near upon four o'clock; I could not say to a quarter of an hour no way.

You were walking behind, passed them, and went on, did you?—No.

Did you meet them?—I met them, and went by them; I was going one way and they the other.

Were you walking with anybody?—No, I was by my-self.

You were alone?-Until I met them.

You did not walk with them at all ?-No, I passed by them.

You say they were not close together, were they near together, or what do you mean?—Well, there might be two yards between them; I could not tell the distance; I did not notice that; they were both on one side of the road, and I was on the other.

And did you at the time see anything else but those two when you passed them?—Me?

Yes?-No, I did not.

You said you heard something said that you could not make out?—I did not know what it was; I heard him saying something, but I did not know what he said.

Did you come up to London at the time when this was going to be tried before?—When?

Did you hear of this cause going to be tried in December last?—Yes.

Did you come up?—No.

When were you applied to to be a witness?—I do not understand what you say.

When did they ask you about this matter, to come and

be a witness?—Do you mean when they were to tell me I must come, is that it?

Yes.—I do not know if I could tell you the day of the month, but I could tell you the day.

Was it lately, or some time ago?—Yes, it was in this week I was obliged to come.

Had you been spoken to about being a witness in this cause before the last week?—Oh, yes.

When ?-Several times before.

When was the earliest time?—I cannot tell that.

Can you tell me nearly; I do not want to a week?—No.

By Mr. Justice Wightman. Was it before Christmas?
—I can't tell no time.

You can tell surely, whether it was before last Christmas or not?—I cannot tell the time.

Is it since Christmas?—I do not know.

By Mr. Justice Wightman. Do you mean you cannot recollect whether it was before or after Christmas they applied to you first?—I cannot indeed recollect it.

But you are quite sure of your recollection of the year and the month when you passed by Lord Tamworth and Miss Smith; you recollect that very well?—Yes.

You have a good memory, have you?—I do not know for that.

Cannot you give us any recollection whether you were asked to be a witness before last Christmas or since?—I should not like to swear to no time.

Have you any recollection about it?—What I say I should like to swear to.

You have no recollection, really?—I will not say anything about that.

Can you recollect whether it was a month ago; was it as late as a month ago that you were applied to?—The first time I was asked, do you mean?

Yes.—It was more than that.

Was it before Christmas?—I could not tell you.

### Re-examined by the Solicitor General.

I do not want to know when you were talked to by any

body about Austrey, about it; when did these gentlemen, or any of the Solicitors, the law-people, apply to you, how long ago?—How long, since that I came away?

The gentlemen of the law, who came to you to ask you to come up?—They were not gentlemen of the law who came to me.

When did you get a subpœna?—The paper, do you mean?

Yes. How long ago?—It is not two days back.

By Mr. Justice Wightman. The question asked of him was, whether before or after Christmas he was first spoken to about the matter.

The Solicitor General. They do not mean by anybody on the part of the plaintiff, I presume.

Did you know, a long time ago there was going to be a trial about it?—Yes.

Do a good many people talk about it down there?— Where I come from?

Yes.—Yes, there are plenty of people talking about it.

I do not know where you have heard that, that people talk about it; had you any communication about the subpæna until two or three days ago?—Yes; I expected I should have one before.

# Emma Base, sworn, examined by Mr. Chambers.

Were you servant to Mr. Smith, of Austrey?—Yes.

When did you go into his service; do you recollect when you went into his service?—No.

How many years ago was it?—Five years last Michaelmas since I left.

Used you to walk out with Miss Smith?-Yes.

Were there other children of Mr. Smith that you used to go out with?—Yes.

Did you frequently walk on the Appleby Road?—Yes.

Did you know Lord Tamworth?—Yes.

When you were walking with Miss Smith on the Appleby Road, did you meet Lord Tamworth?—Yes.

More than once ?-Yes.

How many times; several times?-Many times.

When you and Miss Smith met Lord Tamworth, did he ever speak to her, or what happened?—No.

What happened when you used to meet at first?—I used to walk on.

You used to walk on?-Yes.

What did Lord Tamworth do, and Miss Smith;—do you mean Miss Smith remained behind?—Yes.

What became of Lord Tamworth, when she remained behind?—I do not know.

Did you look and see whether he remained behind, or anything happened?—No.

By whose direction was it you remained behind?

Mr. Justice Wightman. She did not say so.

That Miss Smith remained behind, and you walked on: who directed you to do that?—Miss Smith.

Did you never look back to see where Miss Smith was while you were walking on?—Yes.

When you looked back to see where she was, what did you see; who did you see?—Lord Tamworth going one way, and Miss Smith the other.

And did Miss Smith then come up to you?—Yes.

Before you had walked on, according to Miss Smith's direction, had you passed Lord Tamworth?—Yes.

Was he riding or walking?—Riding.

What did he do when you and Miss Smith and he met!

—He walked on.

Was anything done by any of you; by either Miss Smith or Lord Tamworth?—No.

When they met?—No.

Then you walked on ?—Yes.

You and Miss Smith?-Yes.

Did Miss Smith stop, or walk on with you?—She stopped behind.

With whom did she stop?—By herself.

Then she directed you to walk on?—Yes.

Did you see when she stopped, what became of Lord Tamworth, when Miss Smith stopped?—I did not look.

Was it a straight road there?—Yes.

Why was it you did not look; how far did you walk on?

—About one hundred yards.

When you got some distance you waited ?—Yes.

Did you look back then to see when you were waiting where Miss Smith was, or where Lord Tamworth was?—Yes.

What did you see?—Miss Smith coming, and Lord Tamworth going the other way.

How near were they when you noticed Miss Smith coming, and Lord Tamworth going the other way?—Not far.

How far from each other?—One hundred yards perhaps.
One hundred yards from each other, or from you?—
From each other.

How long had you been waiting at the time you saw that?

Mr. Justice Wightman. She said she had got one hundred yards.

How long had you been waiting when you saw that?— Ten minutes.

About how many times has this happened?—A great many.

Have you always seen this when you have turned round, Lord Tamworth going one way, Miss Smith another, or how was it?—Always saw that.

When they passed before, you were ordered to walk on; did you observe Miss Smith take any notice of Lord Tamworth, or he her?—No.

Were any of the children with you besides Miss Smith?

—Yes.

On these occasions?—Yes.

What are they; young children?—Yes.

Used the young children to walk on with you?—Yes.

How long was it that you stayed there when you used to walk out, sometimes meeting Lord Tamworth in the way you have mentioned. After you first went last Michaelmas five years, used you to walk during the year, or occasionally during the year, or how long was it you used occasionally to meet Lord Tamworth; during a year you were at Smith's?—Yes.

Have you yourself noticed them speaking together at all?—No.

After you had walked one hundred yards as you say, you looked back, and saw her coming to you, and Lord Tamworth going the other way, used Miss Smith to join you?—Yes.

Come and walk again?—Yes.

# Cross-examined by Mr. Humfrey.

Attend to me, if you please; you say you never saw Lord Tamworth and Miss Smith speak to each other; did you ever see any familiarity of any kind between them?

—No.

I believe when you used to meet him in this way, if he was riding, she seemed very desirous to attract his attention, did she not?—Not at all.

Was Miss Smith at school at this time; was she at school during the time you were in service?—Yes.

Where?—At Clapton.

About how old was she at this time when you used to meet Lord Tamworth?—About sixteen.

Not so old, was she?-Yes.

As old as that, you think?—Yes.

Lord Tamworth was riding on horseback?—Yes.

# Re-examined by the Solicitor General.

You say he was on horseback; did you observe whether on any of these occasions he got off his horse?—Yes.

Do you speak of one instance, or did he generally get off his horse?—Several times.

Do you remember exactly at what time it was that Miss Smith went to school at Clapton?—I do not.

Mr. Justice Wightman. Just ask when he got off his horse; this is quite new.

The Solicitor General. My friend asked if he was on horseback.

The Attorney General. Your Lordship had better ask.

# Examined by Mr. Justice Wightman.

You say several times on these occasions he got off his horse?—Yes.

When was it he got off his horse?—Before he met Miss Smith.

Before he met you walking?—Yes.

Mr. Justice Wightman. I will put any question either party wish.

Juryman. Did he get off the horse as soon as he saw them coming?

How soon before you came to him did he get off his horse?—As soon as he saw us coming.

### Elizabeth Bircher, sworn, examined by Mr. Robinson.

Were you living at Austrey at the time when Lord Tamworth was there?—Yes, sir.

How far did you live from Mr. Echalaz's house?—A little distance; a good distance.

How much do you think ?-Down the village.

Did you know Lord Tamworth?—Yes.

Were you acquainted with Miss Smith?-No.

Do you know her by sight?—Yes.

Did you ever see them together?—Yes.

Once, or more than once?—Once.

Whenabouts was that once?—In the summer time.

About what time of the day was it?—Between three and four o'clock in the evening.

Can you recollect what year?—I can't.

Was it while he was with Mr. Echalaz?—Yes.

Were they walking ?—Yes.

Separately, or one hold of the arm of the other?—He had hold of Miss Smith's arm.

By the Solicitor General. Did you say arm or hand?—Arm.

Did you observe how long they walked together, or not?—They walked together as far as I could see them.

Used you to see Lord Tamworth riding on horseback?—Yes.

Used he to pass by the house Mr. Smith lived in?—Yes.

Did he ride by at the same pace as before, or did he alter his pace?—Altered his pace.

I do not know whether you ever saw him stop there, or not?—I did not.

What do you mean by altering his pace?—Slack the reins of his horse.

Did the horse go faster or slower?—Slower.

Did you see why he altered his pace?

Mr. Humfrey. No.

What did he when his horse went slower?—Turned and looked round as far as he could to see on the premises of Mr. Smith.

Did you see that once, or frequently, or how?—About three times.

When he got past the house did the pace alter again?
-Yes.

Then he went on at his former pace, did he?—Yes.

# Cross-examined by the Attorney General.

How far did he go slow, slacken his pace? Slacken the reins and his pace too? When he got to Mr. Smith's gate, then he looked over?—Yes.

Did he stand up in his stirrup?—No, he did not stand up in his stirrup; but turned.

As long as he could see he kept turning round?—Yes.

Kept his head over his shoulder ?-Yes.

How long might that be ?—For about two minutes.

It must be a good long house?—Yes.

He was two minutes passing Mr. Smith's, with his head over his shoulder?—Yes.

You happened to be passing?—Yes.

Was your head over your shoulder ?—Yes.

Did you slacken your pace?—No.

And this you saw three times?—Yes.

Did you happen just to be about the same place each time when you saw it?—Yes.

What were you doing?—Been on an errand.

Each time?—Yes.

You came to the same place on the errand?—Yes.

On which side were you; on Mr. Smith's side, or the other side?—The other side.

He did not turn round his head to look at you?—No, to look at Mr. Smith's.

Perhaps he was turning his head away from you?—No. He was not?—No.

Where were you when you saw them walking together as you say?—Been to Appleby.

You had been to Appleby?—Yes.

Did you meet them ?—Yes.

Can't you tell us now what time this was?—Not the date, I cannot.

The date is the time; at least I want it to be ?—In the evening it was.

Can't you tell us when it was?-No.

How many years ago?—I don't know.

You can give us some notion?—About four or five I should think.

Don't you recollect where you were, in whose service, if you were in service, or what you were doing, to fix it?—I was not in service.

What were you doing?—At home. I had been to Appleby.

Have you a mother?—No.

Do you live with your sisters?—I lived with my mother; but I had been to Appleby.

You live with your mother?-Yes.

Can't you tell us within four or five years?—I can't

Had you been on an errand to Appleby?—Yes.

You are always going on errands. You had been on an errand to Appleby?—Yes.

Each time you met them, or saw Lord Tamworth, you had been on an errand; who had you gone on an errand for, to Appleby.—I can't justly remember now.

You remember you went on the errand; it is very odd you can't remember the person who sent you?—It is such a long time since.

You remember you went on the errand, it is very odd you don't remember the person who sent you on the errand; do you remember at all?—I don't.

Were you ever in the service of a Mr. Gundry ?-No.

Mr. Gundy ?-No.

Never ?-No.

Was there anybody else upon the road at this time?— No, there was not.

It was all clear?—All clear, only myself.

Yes; Lord Tamworth, as you say, and Miss Smith?—Yes.

Was it a person of the name of Gutteridge you lived with?—No.

Have you ever been in service ?-Yes.

Who did you live with?—I lived at Appleby a little while; it is a good bit since then.

Have you been out of service for a long time?—Yes.

What have you been doing?—At home with my mother; she is nearly always poorly.

It is a long time since you were in service?—Yes.

Did you pass close to these persons?—I turned on the other side of the way.

Before you came to them?—Just before I came to them.

What did you do that for?—Because I would not go close by them.

Then you passed on the other side of the way, and passed on?—Yes.

And when did you tell anybody about this?—Not until very lately; I could not understand how it was.

How what was?—How this case was: of my knowing them, and seeing them together.

You could not understand how it was, you never mentioned it to anybody until very lately?—The last time but one that Mr. Hamel was in Austrey.

When was that; we do not know when Mr. Hamel goes to Austrey?—I was at Mr. Lees' at the time.

I do not know that, that does not give me any more

information; when was that?—It is a good bit since, now.

Tell me when; you say a little, now you say a good bit when was it?—About nine or ten weeks since.

The first time you ever mentioned this was nine or ten weeks since?—Yes.

You have not been up in town before?—Yes.

When were you up in town before?—Well, I do not recollect how many weeks it is since.

Were you up in town before Christmas?—Yes, it was before Christmas.

You had not told, and did not tell on that occasion, this meeting upon the Appleby Road?—Yes, I had told then.

I understood you to say, you had not mentioned anything about this until the last visit but one of Mr. Hamel's to Austrey, which you said was lately.

The Solicitor General. Within nine or ten weeks.

Mr. Justice Wightman. That would carry it back.

The Attorney General. It would.

The Solicitor General. She was upon the last trial.

Then you mentioned it to Mr. Hamel before the last trial?—Yes.

Did he call upon you, or did you call upon him?—I was at Mr. Lee's, and they fetched me from there.

Were you in his service?—Went to help *Misses*, to assist. Who fetched you?—Mr. Lees.

And then did Mr. Hamel examine you and see what you had got to say?—Yes.

You had not told this to anybody, before you mentioned it to Mr. Hamel, about eight or ten weeks ago?—I had not.

Adjourned to Monday at half-past 9 o'clock.

## Second Day.

16th February, 1846.

Mr. Thomas Nicklin Smith, sworn, examined by Mr. Chambers.

Mr. Chambers.—My Lord, Mr. Smith is in ill health, he cannot stand; if your lordship will allow him to sit down while he is examined.

Are you the father of Miss Smith, the Plaintiff, in this action?—I am.

What is the age of your daughter?—She was twenty-one last January.

How long have you resided at Austrey?—Twelve years.

Do you recollect Lord Tamworth being placed at Mr.

Echalaz's, the clergyman, at Austrey?—I do.

I believe he was a pupil to that gentleman?—Yes, he was.

Sometime after Lord Tamworth had been placed at Mr. Echalaz's, did you make some discovery with respect to him, and your daughter?—It was not announced to me until, either December 1839, or January 1840; I was not apprised so soon, I believe, as it took place.

Did you express your dissatisfaction to your daughter

at what you had heard ?-I did not hear you.

Did you express your dissatisfaction, to your daughter at what occurred?—Yes, I did.

Mr. Crowder. My Lord, that is not evidence.

Mr. Justice Wightman. He was dissatisfied.

The Witness. I am rather deaf.

In consequence of that which had been communicated to you, after some time did you send your daughter to London?—I did.

To school?-I did.

And afterwards did you send her to France to pass her vacation?

Mr. Justice Wightman. It would be as well to get dates. When was it that you sent her to London?—Lady-Day, 1840.

Mr. Justice Wightman. Then he says, he afterwards sent her to France.

How long did she stay in London?—She went with her governess to France.

By Mr. Justice Wightman. How long did she stay in London?—A year and a quarter in London.

Did she return to Austrey after Lord Tamworth had quitted Mr. Echalaz's?—Yes, she did, and not until then.

Mr. Justice Wightman. If it is important, I may as well take down when she went to France.

By Mr. Justice Wightman. When did she go to France?—The Midsummer vacation; I sent her there to keep her out of his lordship's way.

How long did she stay in France?—I think about six or seven weeks, it might be eight.

How long did she stay away actually from you at Austrey?—She did not come home again until the following vacation.

Away about a twelvemonth?-Nearly so.

Returned after Lord Tamworth had quitted Mr. Echalaz?

—Yes.

Do you recollect Lord Tamworth returning from abroad in 1842, the end of 1842 or 1843?—I recollect hearing of it.

After his return was some further communication made to you respecting him and your daughter?—There was, some time afterwards.

Without asking you as to what took place between you and your daughter, were you induced to allow his coming to the house?—She met him.

By Mr. Justice Wightman. Just answer the question?
—Yes, I was.

Mr. Crowder. Induced, to allow-

I believe, Mr. Smith, you have been in ill health for some years, have you not?—For more than six years; I am suffering from a spinal disease.

In consequence of that, I believe, you did not rise until late in the day?—I spent a great part of my time in bed at certain periods.

I believe you never yourself actually saw him in the house?—No; he came to the house on condition that I should not see him.

Mr. Justice Wightman. Never mind the condition; you never saw him, that is the answer.

In the early part of 1844 did you see letters from time to time in your daughter's hands?—I saw the letters in 1844.

Letters that purported to come from Lord Ferrers, he was then——?—I can't hear you.

Letters purporting to come from Lord Ferrers?—Yes.

From time to time, at your request, did your daughter shew you the letters?—Yes, she did.

Look through these as far as you recollect, and tell me whether you saw all or some of these——

Mr. Justice Wightman. Do not mix them.

Mr. Crowder. And read as they arrived, is the assumption.

Mr. Justice Wightman. I have only taken down from time to time. (The letters from No. 1 to 10 shewn to the Witness, who examined the same.)

Have you looked at those letters?—Yes, I have.

Are those the letters you saw from time to time?—I have looked at them sufficiently to identify them.

Some of them bear dates, I believe?—Yes, they do.

Did you see them on or about the time they bear date?

—Yes, I did, I saw each letter as it came.

Now, with respect to one letter, do you recollect an incident of having looked in Miss Smith's pocket after she had gone to bed?—That was the first letter, Mrs. Smith brought me the letter.

It was not yourself saw it taken out of her pocket?— No, I did not; I wished to see it, and Mrs. Smith fetched it.

And brought it to you, after Miss Smith had gone to bed?—Yes.

By Mr. Justice Wightman. That was the first?—That was the first letter that I saw, my lord.

Now, about June, did your daughter hand to you a letter?

Mr. Justice Wightman. That must be June, 1844.

June, 1844; did your daughter hand to you a letter purporting to come from Lord Ferrers?—She did.

The Attorney General. Do not lead the date. (A letter is

handed to the Witness.)

Is that the letter?—This is the letter.

Is that the letter she handed to you?—Yes.

Mr. Justice Wightman. What number is that?

Mr. Chambers. Letter B. Perhaps this is a good opportunity to have that read; it is a very short letter.

The Associate. "My dear Sir"-

It was handed to you in this envelope sealed?—Yes.

The Associate. "My dear Sir, This note ought to have been with you long ago; but, 'better late than never,' is the old adage; may it apply in this case. Without entering into particulars I am aware you know that in secret I have long sought your eldest daughter; now openly I ask her of you for my wife. I hope you will not refuse me her; ere this I should have come personally to have made this request to you had not untoward circumstances prevented. I hope shortly to see you, then, if convenient, we can arrange about her settlement, &c. I have mentioned August as the month to her. I hope when we meet every thing, all things will meet with your approbation. Faithfully yours, Washington Ferrers."

Mr. Justice Wightman. That is marked B?

Mr. Chambers. B, my lord.

Did you write an answer to that letter ?- I did.

Did you seal up the note which you answered?—No; I wrote the letter and put it in an envelope, directed it and gave it Mrs. Smith to seal; I am lame in my hands, and I seldom seal.

You gave it to Mrs. Smith to seal?-Yes.

Now, after you had written that answer, did you shew it to a gentleman of the name of Holgate who was then visiting you?—I read it to him.

You read it to Mr. Holgate?—Yes.

Did you see it sealed up in an envelope?—I did not.

You delivered it to Mrs. Smith for that purpose?—Yes, I did.

Did Mrs. Smith and Mrs. Holgate and your daughter go to Ashby the next day, do you know?—They did, and Mrs. Holgate.

Is Ashby your post town there?—No, Appleby is our

post town.

Did you keep a copy of that letter that you sent to Lord Ferrers?—I have the original draft of it on the back of a letter.

Look at that and tell me if that is the original draft? (Handing a paper.)—No, it is not.

Is it the original draft?—This is a copy of one I sent to Mr. Hamel.

What is this; where did you get this from; how did you copy this?—That is what I sent to Mr. Hamel when Mr. Hamel applied to me for a copy of the letter I wrote, I copied it from the original draft and sent it to Mr. Hamel. The original was merely on the back of a letter; I just drafted it out before I wrote it; having copied that from it, I destroyed it thinking it of no value.

What became of the original draft. Do not be in a hurry. What became of the original draft you made of the letter that you sent to Lord Ferrers?—That I destroyed along with other waste paper, thinking it of no value.

Before you destroyed it had you made this copy to deliver

to Mr. Hamel?—Yes, I had.

I understood you to say you had read it to Mr. Holgate before you sent it?—I did; I read it and asked his opinion.

Mr. Chambers. Perhaps, my Lord, I may as well remark, I am not going to put it in now; it must be traced to Mrs. Smith, the letter being put in the post; this we may as well mark C. (The copy is marked C.)

Mr. Justice Wightman. Having first made the copy.

You had not made a copy until Mr. Hamel asked you?

No, not until Mr. Hamel asked.

You kept the original draft?-Yes.

It was on an old letter?—It was on the back of an old letter, not in a fit state to be sent to Mr. Hamel; I copied it, and the other I took no care of.

By Mr. Justice Wightman. That you afterwards de-

stroyed?—Will you allow me to explain. I believe it was destroyed; I never saw it afterwards.

Mr. Chambers. You can't find it at all events.

The Attorney General. That is a very summary way of disposing of it. Do not put it so.

By Mr. Justice Wightman. Have you looked for it?—I have many times in my paper-case, and cannot find it.

Did your daughter afterwards shew you any letter from Lord Ferrers?—Yes.

After you had sent that?—Yes, she shewed me an answer to that letter.

Mr. Justice Wightman. What was that?

Mr. Chambers. She afterwards shewed me a letter.

Mr. Barstow. In answer to that.

To her; not to you?—No, not a letter to me; a letter to her, in which he answers the receipt of mine.

Mr. Justice Wightman. One of those referred to before. Did you, in consequence of what occurred, make preparations for the marriage of your daughter with Lord Ferrers?

Mr. Justice Wightman. Do you prosecute that any further, "shewed me a letter purporting to come from Lord Ferrers, which was an answer to mine." Do you put that letter in?

Mr. Chambers. I am going to put this letter in; the first question is before this letter comes.

Mr. Justice Wightman. However, while you are upon the letter you may as well dispose of this.

Now, Mr. Smith, here is a letter dated July the 13th; did your daughter shew you that?—Yes, she did.

By Mr. Justice Wightman. Is that the letter you alluded to, when you say she shewed you a letter in which the receipt of yours was stated?—I must read it first. (The Witness read the letter dated July the 13th.)

The Witness. This is not the letter in which he answers the receipt of mine; this is not the one in which he speaks of having received it.

The Attorney General. This is not the letter.

The Witness. I will read it again, if you please.

Mr. Humfrey. What number have you given him?

Mr. Chambers. That is No. 10.

The Witness. It was a letter previous to this.

Did you make preparations for the nuptials?—Yes, I did.

Mr. Justice Wightman. Do you go on any further as to that?

Mr. Chambers. I cannot find that at present.

The Witness. There is a letter.

Mr. Justice Wightman. It is not one of the ten.

Mr. Chambers. I believe not, my Lord.

I believe you asked some young lady to become bridesmaid?—Yes, we did.

And made every preparation for the marriage ?—Yes.

Did you see the letter which you have in your hand, after you had done that?— Yes, I did.

No. 10, in which Lord Ferrers says he was ill?—Yes.

You purchased dresses, and had procured the bride-cake?

—Yes.

Mr. Justice Wightman. Afterwards saw the letter, No. 10.

Mr. Chambers. That is July 13th.

Now, when you had made preparations for the marriage in the way you have stated, I believe it was announced in the public papers that Lord Ferrers was actually married?

—I believe it was.

Was that the first knowledge you had of his being married?—Yes.

By Mr. Justice Wightman. Can you state when that was?—That he was married?

By Mr. Justice Wightman. No; that you knew of it first?—It was the latter end of July, I believe—I believe the latter end of July; I do not know whether the latter end of July or the beginning of August. I remember seeing in the public papers announced, that he was married; that was the first that I knew of it.

Up to that time had every preparation been made for the marriage?—Every one.

Now, what effect did the intelligence of his lordship's marriage produce on your daughter, with regard to her spirits and health?—It shocked her very much indeed.

Has she declined in health ever since?—She does not look near so well now as she did previously, nor has she been in so good a state of health since. May I be allowed to say one word: there is a letter missing.

The Attorney General. He tells you there is a letter

missing, in which he acknowledges the receipt.

The Witness. There is a letter missing which was received, and which was given to Mr. Hamel.

A letter to Mr. Hamel?—In a letter missing which was received, there is a letter in which he acknowledges——

The Attorney General. Do not tell the contents of it.

The Witness. It does not mention-

Give me the letter you have in your hand (Number 10 was handed back.) Do you recollect any handkerchief being enclosed in a letter?—Yes, I do; must I wait for your question?

Yes. Did you see the handkerchief enclosed in a letter?

-Yes, I did, two.

When was that?—That was early; I forget whether it was in February or in March; I cannot say positively; I have not a note of it.

Did you see a handkerchief enclosed upon more than one occasion in a letter?—Two; Mrs. Smith folded the handkerchiefs to go in an envelope; ironed them, and brought them up to me; she brought one, and a person of the name of *Lees* brought another; I saw them both when I was in bed; they were brought to me to see if they could go properly in an envelope; in fact they were in the envelopes, to see if they were folded properly to go by post.

That was on different occasions?—That was on different

occasions.

By Mr. Justice Wightman. Those were not sealed, but intended to be sent off?—Yes.

Did you see the address of Lord Ferrers upon them?—Yes.

At Chartley?—At Chartley Castle.

Were the letters sealed when you saw them containing the handkerchiefs?—Yes; there were letters inclosed with the handkerchiefs.

And then an envelope for both ?-The envelopes with

the handkerchiefs in were not sealed; but the envelopes which inclosed the letters were sealed.

Who did you deliver back the envelope to, after you had seen that the handkerchiefs would go by the post in them?

—The person who brought them to me.

Who was that?—I am not sure whether Mrs. Smith brought both for me to look at, or whether she only brought one.

Who was the other person?—It was John Lees, if it was not Mrs. Smith; John Lees shewed them both to me after they were sealed; he came up to me before he went to market to do certain little errands, and he shewed them to me.

## Cross-examined by the Attorney General.

Pray, Mr. Smith, how old is your daughter?—Twenty-one.

When was she twenty-one?—I believe in January; last January.

She is just twenty-one then?—Yes.

Then at the time Lord Ferrers was at Mr. Echalaz's she was fifteen; between fifteen and sixteen?—Yes, about that.

When was it we are to understand you first heard that there was anything like an attachment between Lord Ferrers and your daughter?—It had, I believe,——

I am putting a particular question to you, which I will thank you to attend to; I ask you about when it was you first heard of anything like an attachment between Lord Ferrers and your daughter?—It was either December 1839, or January 1840.

Your daughter then was not sixteen?—No; let me see,

She was just fifteen; she was not quite fifteen?—No; she went to school at Lady-Day 1840.

She was not quite fifteen?—Yes, she must have been fifteen.

No.—Very well; I thought it was quite right she wasout of the way, so young a girl.

You first heard of Lord Ferrers being attached to your daughter in December 1839?—Or January 1840.

When she was probably quite fifteen?—Yes.

Had you ever seen Lord Ferrers at that time?—Yes, many times.

Lord Tamworth he was then?—Yes; he was very conspicuous in Austrey.

Had you ever spoken to him?—Never.

Did you know that he was a pupil at Mr. Echalaz's?

—I did.

After December 1839, did Lord Tamworth continue at Austrey?—Yes, he did.

Up to what time?—I believe midsummer; sometime thereabouts; I cannot speak to the date positively.

Did you see him about the village and neighbourhood?

—Yes.

After you had been informed of the attachment to your daughter?—Yes.

Did you ever speak to him?—Never; I have never spoken to him.

You never have spoken to him in your life ?-No.

Did you communicate with Mr. Echalaz on the subject of the attachment?—No, I did not.

Lord Ferrers was then a boy of seventeen, I believe?—I do not know how old he was.

He was a boy?—No, not a boy; of course he was a minor.

You could tell by his appearance he was not above seventeen?—Yes, yes; I did not know his lordship's age then.

After he left Austrey, and Mr. Echalaz's, in June 1840, did you ever see him?—I never have seen him since.

You never have seen him since?-No, never.

Since the month of June, when he left Austrey?—Yes.

We understand that you have been unwell for some time?

—I spend a great deal of my time in bed.

I want to know a little about that; you have been for a considerable time an invalid?—I have.

For how long?—Seven years.

And you are a good deal confined to your room, and even to your bed, are you?—Yes.

Before 1844, did your daughter shew you any letters purporting to come from Lord Ferrers?—She did not shew me any, but I have heard of one that she had, only she did not shew them to me.

Did you hear from her that she had letters?—I heard from her she had a letter when he hurt his hand; when he was wounded by Mr. Arden.

I am speaking about 1844, you understand my question; did you hear from your daughter that she had received any letter or letters from Lord Ferrers prior to 1844?—I had heard that she had had a small note or piece of paper brought over by one of his servants, informing,—let me explain it,—informing her——

I do not ask you; be good enough ----

Mr. Chambers. We must have the whole of the conversation.

The Attorney General. This is the contents of a letter. Mr. Chambers. All of which she tells him.

The Attorney General. It is the fact of receiving a letter.

The Witness. My Lord, may I explain.

Mr. Justice Wightman. No; answer the question.

I can make very great allowance for the very deep interest you have in this case; you must attend to my questions, and confine yourself as clearly as you can to answering the questions I put?—I hope I shall, I am sure it is my wish.

Now, when was it that you heard from your daughter, before 1844, of her having received any note or letter from Lord Ferrers?—I believe it was November or December; but I cannot speak positively, because the note went back again by the servant who brought it.

November or December 1843?—No, not 1843. I did not say 1843.

What year?-1842.

1842?—Yes, 1842.

November or December 1842, then; am I to understand

that prior to 1844, the only occasion upon which you heard that there had been any written communication between Lord Ferrers and your daughter, was with reference to this note or letter of November or December 1842?—At that time if she had received any she would not have shewn them me.

Never mind that?-And she did not.

You are not attending to my particular request to you just to confine your answers to my questions, and not to make observations?—Then, she did not.

It is natural enough with the interest you have you should do so?—It is my wish.

Mr. Justice Wightman. What is the answer.

The Attorney General. She did not, except with regard to this.

Mr. Justice Wightman. "She did not tell me any more except that."

The Attorney General. Except that.

Before 1844 did you hear from your daughter whether she had received any presents from Lord Ferrers?—No.

Did you hear, in 1844, that she had received any presents?—Did you say before 1844?

Yes.—In 1843 she received; she had certain things which she represented as presents, but which afterwards turned out not to be.

Now, what were those certain things which she represented as presents?—I think there were two or three gown pieces; I do not know what they were; I asked where she had them from; she said Lord Ferrers told her to go and buy them, and that if she did not pay for them, he would.

Did you see your daughter wearing dresses which you had not been accustomed to see her in?—None but what I saw before they were made up.

You saw them before they were made up?—Yes.

Did you make enquiries where those gowns which were making up came from ?—I did.

Did your daughter say they were presents from Lord Ferrers, and if she did not pay for them he would?—She told me that she had bought them, and that if she did not Lord Ferrers would pay for them.

If she did not pay for them he would?—That I should not have to pay for them.

That was the answer to your inquiry?-Yes, it was.

Did she tell you of any other things that she represented to be presents from Lord Ferrers?—I do not know that she did.

Did you ever see any books?-Yes, I did.

Did she shew you books which she said she had received as presents from Lord Ferrers?—Yes; she did not say what she received as presents from Lord Ferrers; mind, let it be understood that she had certain books from Mr. Thompson. Lord Ferrers mentioned these books in a letter, that he would send her books, but did not, but said if she would get them at Mr. Thompson's he would pay for them.

Let us have that most correctly; you may explain; you say that Lord Ferrers had promised to send her some books but had not done so, and told her in a letter to get the books?—No, he told her when he saw her to get the books from Mr. Thompson's.

He told her in a letter he would send her books?—Yes; I supposed when I saw those letters that he had sent her books.

He told her in a letter he would send her books?

By Mr. Justice Wightman. He had told her in a letter that he would send some books?—Yes.

Now go on and explain it in your own way?—She saw him some time afterwards, as she told me, and then he told her that he had not brought her the books, but that she must buy the books, and he would pay for them.

Was that in answer to any enquiries which you made, when you saw the books?—Yes, it was.

You asked her why she got those books?—Yes.

Did she tell you immediately when you asked?—Yes, she did.

Instantly?—Yes.

And told you what you have mentioned to us?—Yes.

At the moment you made the enquiry of her?—Yes.

Perhaps you can tell us what these books were which excited your attention, and induced you to make the enquiry?—They were some of Mrs. Bremer's.

We are not so familiar with them as your daughter may be?—It was a Swiss work translated.

Mrs. Bremer's Works, what were they?—I do not know what they were, I never read them.

What else was there?—What other books?

Yes.—She had more books from Mr. Thompson's.

I want particularly to know what they were?—Well, she had Scott's novels.

The Waverley novels?-Yes.

The Queens of England?—Yes, the Queens of England. Miss Strickland's?—Yes.

I am told that it is Miss Bremer, and not Mrs. Bremer.

—That I do not know.

Among other works, although you do not remember without, probably, having your memory a little assisted, do you remember, among other works, there was *Chatşworth?*—Yes, I think I do.

And the President's Daughter ?- Yes.

Do you remember any other books, now, that you could tell us?—No, I do not recollect any more.

Was there the Church service?—No, I think not; there was a bible; but I do not know whether she said she had that from Mr. Thompson's or not at the time she had the Bible; but whether she represented that to be one of them, I cannot tell.

A musical bijou?—Yes, there was one or two of them.

Will you keep your voice up? -- One or two.

Was there "The Book of Beauty?"—Yes.

Harwood's Scenery?—Yes.

"Our Mess," one of Lever's novels or works?—Yes; that was ordered for me, that was.

That was ordered for you?—Yes, it was.

Ordered by whom; by your daughter?—Yes, they were all ordered by my daughter.

You say, "Our Mess" was ordered for you?—Well, she told me that she had bought it for me.

You enquired about that work, "Our Mess?"—Yes; I wondered that she should buy it.

And she told you that she had bought it for you?—What is "Our Mess," is it "Charles O'Malley?"

No, that is another work of Lever's I am coming to next. You did not read the work that was purchased for you?——
I have not read it.

You have mentioned "Charles O'Malley," was that another that was purchased?—That was a work that came from Mr. Thompson's.

Did she tell you that she had purchased that for you also?—I can't tell; I rather think she told me she thought I should like it, and she bought it.

Was she in the habit of buying books for you?-No.

Had she any allowance?—No, none.

No allowance from you?—None whatever. I paid all her bills, whatever they were. Her mamma generally bought what she had, or rather had done.

We will speak to her mamma when she comes. Was there an "Illustrated London News?"—That was taken in as a newspaper.

That was taken in?—That was ordered; she ordered that for me; she ordered a copy of that, as I liked it; then she ordered it to be continued, when I expressed my approbation.

By Mr. Justice Wightman. I understand, all these books were purchased by herself?—Yes.

The Attorney General. Yes.

Mr. Justice Wightman. I do not quite understand the Illustrated London News.

What do you say to that; was that purchased for you, or not?—She thought I should like it; brought me a copy of it; and afterwards continued it.

You had not ordered it; you continued it?—It was continued for sometime.

Now then, I understand you to say, that in the year 1844 your daughter showed you all those letters that we had produced here in court?—Yes: at least, Mrs. Smith brought them from my daughter to me. I insisted upon seeing all that she did receive after that time.

After what?—After the first letter.

She showed you the first letter?—Mrs. Smith; you have it in evidence.

Mrs. Smith brought you the first letter, and you insisted upon seeing all?—All that she received afterwards.

And Mrs. Smith did bring you them, did she, from time to time?—I can't tell whether Mrs. Smith brought them all, or whether I received one or two from my daughter; of course I did not expect anything of this.

Never mind what you expected.—No; but you must excuse me.

You need not say that; there is no occasion to say that; that is all. Now, with regard to the letter which you say you sent in answer to Lord Ferrers' letter of the 24th June, just let us learn a little more, particularly about that letter: were you unwell at that time in your room?—When I received it, do you mean?

At the time of the answer.—No, I could not, because I was up and dining with my friends.

Then you were not unwell at that time?—I might be poorly; mine is a paralytic disease, a spinal disease, and with an impediment in the bowels, and suffer very much from retention; when that is the case I am confined to my bed. But you wish to make it appear, it seems, that I could not be unwell when I am at dinner with my friends; I am at times.

Do not say, I want to make it appear. I wish to see how matters then stood.—I wish to explain matters fully.

Do not make that observation. I do not think anything I have done ——.—I feel obliged to you for the gentlemanly way ——

Do not go to any extraneous matter. Attend to my question. I want to know whether at the time you wrote that letter, the answer of the 24th of June, you were in a state of ill-health?—The same as I am now.

Because I understood you to say that you were unable to seal the letter?—My hand. I cannot gather a pin up. I cannot hold anything fast. If I have a cup of tea, I should drop it. My wife and daughter generally seal my letters. I can seal them, but they seal them better than I can.

Did you write that answer yourself?—I did.

And you made a draft, as I understand, of the answer with your own hand?—When I write a letter, I generally draft it.

Never mind what you generally do; that is no answer to my question.—Yes, I did.

Pray attend. You made a draft, as I understand, of that letter with your own hand?—With my own hand.

And you copied that draft with your own hand?—Yes, I did.

And although you could write a draft with your own hand, and copy it with your own hand, you could not seal that letter?—I could have sealed it if I had thought proper, but my wife seals it better than me. She stood by when I read the letter to Mr. Holgate, and I gave it to her to seal.

Was the letter sealed in your presence?—No, it was not; at least, I did not see it.

Was the letter directed by you ?-It was.

You mentioned that your daughter afterwards shewed you a letter, which was in answer to that letter which you so ordered to be sealed and sent?—That letter was given to Mr. Hamel with the others.

Now, pray do attend.—Yes.

Is that letter any one of those which have been put into your hands in Court to-day?—I must read them all through before I can answer that question.

Pray do.

Mr. Crowder. He stated it was not one of the ten.

The Witness. Then I must read them all through, because I must find the particular passage in which he "thanks me for my gentlemanly letter."

Mr. Humfrey. If you like, 6, 7, 8, 9; No. 6 is in June. You need not begin any earlier; that is the first that is in June.

The Attorney General. I understood him to say there was a letter which had been given to Mr. Hamel which was not amongst these.

The Associate. There is no such expression in any of those letters.

The Witness. Well, then, there is a letter wanting, if it is not in these.

The Attorney General. My Lord, I was allowed to have your copies of the letters which were handed to your Lordship; these are the copies that were handed up to your Lordship, I was allowed to take away with me on Saturday, in order that I might see them. (They were handed up. The Witness examines the letters.)

The Witness. It appears to me there is a letter between 9 and 10 wanting.

Mr. Justice Wightman. According to the date, it would be so.

Mr. Humfrey. And according to the letter, if your Lordship looks at it.

Now, besides that letter which is wanting, which is not one of the ten produced here in Court, did you get from time to time other letters or scraps of poetry?—No, I saw no poetry, except two bits of lines.

That is the very thing I am inquiring about; they have been called *poetry*, but bits of lines?—Yes.

How many of those little bits of lines did you see?—I think there were two lines, I am not sure.

Two lines or two pieces? Two pieces of what you won't dignify with the name of poetry, but bits of lines? Two pieces of paper?—I can't speak positively on that subject.

Now try, if you please?—I will speak to the letters that I saw here, and I think there was a little bit of poetry, or something like poetry, besides.

Who shewed you that bit of poetry, or something like poetry?—I saw it when I saw the letters. If I saw it at all, it was with the letters.

Do not say if you saw it.—Then I saw it with the letters.

From time to time that were shewn you?—No, no, no, not from time to time; I never saw but one.

It came in one of the letters?—That I can't tell. I believe it is; I have but a faint recollection of that. If you shew me the poetry, I will tell you.

The Attorney General. Let me have Y.

Mr. Chambers. They are not put in.

The Attorney General. Oh, no; I understand exactly how they are.

Mr. Chambers. There are two Y's.

Now, just look at those letters, and tell me whether those letters were shewn to you at any time. (Handing the two marked Y.)—Yes, they were; but this is not the letter that I spoke to before.

Who shewed you those letters? (The Y's.)—My daugh-

ter.

Your daughter?—I believe, or Mrs. Smith.

Either your daughter or Mrs. Smith?—Yes.

Can you recollect about the time that they were shewn to you?—Yes; it was either on the return from Harrowgate or afterwards they did come. I can't tell to a day or two.

Either after their return from Harrowgate or when?— One of these came, I think, after their return from Harrowgate, and the other two had come before or after, I can't tell. I would not speak positively whether either of these came before or afterwards.

Have you fixed the date when your daughter went to Harrowgate? when was it?—I think it was in June when they went to Harrowgate.

Aye?—I think it was the latter end of June they went to Harrowgate. Either the latter end of June or the beginning of July that they went to Harrowgate.

1844?—Yes, 1844.

Did you go with them?—I did not. I was not well enough.

Give me that back, if you please. Do not open the letter. Look at it in the way I give it to you. Is that your daughter's handwriting? (Handing a paper to the Witness.)—I should like to open it.

I tell you not to do it.—No, I do not know whether it is or not. I think not.

Look at it carefully; do not open it?—May I not open it?

I have presented it to you in that way?—I am not opening it.

Keep it in that way; there are about eight or nine lines of writing there; I ask you whether that is your daughter's handwriting?—I can't say that it is.

What do you say about it ?—I think not.

The Attorney General. Will your Lordship mark that.

The Witness. I should look it through.

No, you are only to look at the part.

The Attorney General. Your Lordship will see whether we have presented a fair specimen or not.

Mr. Justice Wightman. Yes, yes.

By Mr. Justice Wightman. You do not believe that to be your daughter's handwriting?—No, it is smaller.

The Attorney General. Will your Lordship be kind enough to let that be marked?

The Witness. I can't swear positively to it.

Now look at that (handing another), do you believe that to be your daughter's handwriting?—Yes.

Mr. Humfrey. What has your Lordship marked?

Mr. Justice Wightman. My own initials; we had better put a figure on it.

The Attorney General. I will put 20.

Mr. Humfrey. 21 is.

Mr. Justice Wightman. 20 I do not think is my daughter's handwriting; 21 I think is.

Do you believe that (handing another letter) to be your daughter's handwriting?—No.

You believe that is not your daughter's handwriting (The Witness examines it)?—It is very like it, but I cannot say positively.

You are not asked to swear positively to it; you are asked to swear whether you believe it to be her handwriting or not.

Mr. Justice Wightman. You must understand that, Mr. Smith, with respect to all these papers, you are not asked to swear that they are or are not.

The Witness. I cannot.

Mr. Justice Wightman. But whether you believe it to be hers (The Witness examines the paper)?—I do not believe it.

You say it is very like it?-It is like it.

Keep it in your hand a little longer; you say it is very like your daughter's handwriting, but you do not believe it to be hers?—Yes.

Now if it is very like your daughter's handwriting, how is it you do not believe it to be hers?—It is almost impossible to discriminate, when young ladies write so alike, whether it is or is not; I should rather say that it is not than it is.

Mr. Justice Wightman. You are asked why.

You say it is very like your daughter's handwriting; I want to know what reason you have for saying so, when you say it is very like her handwriting?—It is not quite so large as she writes.

Mr. Justice Wightman. But your reason for believing it not to be hers?—It is not quite her style of writing; I have not seen any that are quite her style of writing.

The Attorney General. That is 22, very like, believes it is not.

Now take that (handing No. 23), do you believe that to be your daughter's handwriting?—No, I think not.

Is that like?—Must I only look at one side?

Yes.—Really I can't judge, seeing so small a specimen.

Do you mean to say you can't judge of your daughter's handwriting by seeing eight lines; is that like your daughter's handwriting?—There is a similarity, but I think it is not hers.

Is that more or less like?—Well I should say it was not her writing.

I put a distinct question to you; there is a similarity; is it a greater or less similarity to your daughter's handwriting than the one I shewed you before?—I can hardly answer that question, whether it is or not; they are neither of them her writing to the best of my belief.

Now look at that (handing 24), do you believe that to be her handwriting (The Witness examined the same)?—This is more like her handwriting.

Do you believe that to be hers or not?—It is more like her handwriting.

Do you believe it to be hers or not?—Well, I think it is like hers.

Then you believe that to be her handwriting?—Yes, I do.

Mr. Humfrey. Then 24 he believes to be hers.

Do you believe that to be your daughter's handwriting (25 is handed to the Witness, who examines the same)?—No, I do not.

Is that at all like her writing?—Yes; there is a great similarity in all the letters. If you would allow me to turn it over, I could be better able to judge.

I had rather not; do you believe that to be your daughter's handwriting (handing No. 26)?—No, I do not.

Is it at all like it?—Yes; there is the same character as the rest, but I do not believe it is her writing.

You say you saw on two occasions handkerchiefs put into an envelope?—Yes, I did.

Were they on both occasions shewn to you by John Lees?—I can't speak positively; I believe Mrs. Smith brought one to me; I am sure she did; John Lees shewed them to me, if not before, he did after they were sealed.

Where did Mrs. Smith shew you the handkerchief which was put into the letter?—In my own bed-room.

Were you in bed at the time?—I was.

Do you recollect about what time it was of the year 1844?—I can't say whether it was in February or March; I think it must be the beginning of February; I am not sure; no, not the beginning of February, the latter end of February or the beginning of March; no, I think it was in March, now I think of it; yes, it was in March; I will not speak positively; I have no memorandum of the dates; it is hardly to be supposed I can recollect.

Did she bring you the handkerchief in her hand before it was put in the envelope?—It was put into the envelope, and brought to me to see if I thought it would safely go, and a letter with it, if it would do to go by the post.

By Mr. Justice Wightman. Did you see the handker-chief itself?—Yes, I did.

And you thought I suppose that it would go safely?—Yes.

And then was it taken away, and you saw no more of it?

—It was taken away, and I saw it go after it was sealed

up; then John Lees brought them to me after they were sealed up, understand me, it was sealed; the envelope sealed which he was going to take to the post; I asked him to let me look at it, to see that it was properly sealed, as he was going to post it.

I understood you to say, first of all, Mrs. Smith brought you the envelope open with the handkerchief in it, to ascertain from you whether you thought it would go safely by the post. It was then taken away and sealed, was it?—Taken away and sealed.

And then did John Lees, after it was sealed, bring it to you?—John Lees shewed it to me after it was sealed.

Did he bring it to you in your bed-room?—In my bed-room.

It was then sealed, and all ready for the post?—One of them, and the other was not; I believe John brought me one up to look at.

I am speaking of the one in March, confine yourself to that at present?—I cannot speak which of the ones it was; but I remember Mrs. Smith bringing one up to me.

Did I understand you to say, that Mrs. Smith brought the first handkerchief; the one we have been speaking of?

—I do not say whether it was the first or second.

The one in March?—I don't speak to that; whether it was in February or March.

I will not confine you to a week or a month?—If I had a memorandum I could speak to it. Mrs. Smith shewed me one I know.

I want to know when Mrs. Smith brought in that handkerchief you have been speaking of, in the envelope unsealed, whether I understand you to say, in that envelope you saw that letter in a sealed envelope?—Yes, I did.

Then t was addressed?—It was.

Was it addressed in the same manner as the external envelope was addressed?—Yes, it was.

Fully ?-Yes.

What did John Lees shew you the envelopes sealed and ready for the post for; why did he come into your room to shew it for?—He came, he had some errand; I generally saw him before he went to market. He always came to me,

and I asked him if he had got it safe; but mind, I think John brought one up to me before it was sealed.

You shall have to speak to that presently?—I do not

wish to confuse myself.

You are quite right; I do not wish to confuse you or myself. John Lees has always a good deal of business for you, goes on errands for you, and it was in consequence of his coming, you asked if he had got that letter?—John frequently posts letters for me.

You asked if he had got that letter ?—Yes.

And John said, here it is?—I am not positive whether he did not shew it to me.

By Mr. Justice Wightman. However, you saw it?—Yes, to speak of the words that passed I cannot.

John took that letter away, and you saw no more of it?

—I saw no more of it.

Now with regard to the other handkerchief, if I understand you right, John Lees brought you the envelope with the handkerchief in it, before it was sealed?—I am not certain.

That is your belief about it?—I cannot speak positively. It is my belief he brought one. I do not know whether the first or last.

I carefully avoided saying first or last. I spoke of John Lees bringing of the handkerchief in the envelope, unsealed?—I believe he did.

What did he bring you the handkerchief unsealed for?

—If he brought it up, Mrs. Smith sent him with it.

Never mind that, do attend to my question?—You want to know his motives; I can't tell you.

You can tell me what he said when he brought it to you?—In all probability he would say ——

Never mind what he would say in all probability; what he did actually say?—It is impossible to remember.

Then you do not remember what John Lees said when he brought the envelope with the handkerchief in it, unsealed?—I could not say what the words were.

Did he shew you it?—Yes.

And you saw the handkerchief in the envelope ?-I saw

the handkerchief in each, and took them into my own hand and examined them.

And put them into the envelope again ?-Yes.

Was there any letter sealed up in that envelope?—Yes, there was.

In that one, also?—Yes, in that one.

Was that, after you had seen the handkerchief in the other envelope, was that taken away and sealed up?—Yes, it was.

And you never saw any more of it?—And I thought there were not stamps enough; they only put two stamps on the first, I had four put on the last.

You mean you had not put; you gave orders they should be put?—Yes, I gave orders they should be put.

Whether they were put or not, you can't tell?—I can't tell.

You saw no more of that letter with the handkerchief in it, after it was taken away?—Yes; I think I asked John to let me look at it, now I remember, to see that the four stamps were on it.

Now you remember you did ask to see whether the four stamps were upon it?—Yes.

Did you see it sealed up?—I did not see either of them sealed up.

Not when they were sealed?—Yes, when they were sealed.

When it was sealed up, did you see it sealed; when there was a seal upon it, was it brought back to you to look at it?—Yes, it was.

And it had the four stamps upon it?—It had four stamps upon the last and two upon the first.

You say, Mr. Smith, that your daughter went to school?

—Yes, I did.

Do you recollect at the time that Lord Ferrers was at Mr. Echalaz's, did your daughter go to school there?—Do you mean to London.

I mean to a school, I do not know where she went?—I have told you that she went to school in March or April, 1840, and that she then went to France.

Pray, do not travel to France so very quickly. She went to school in March or April 1840?—Yes.

Have the kindness to attend to my question, had she been at any other school before March or April 1840?—She had been with her aunt eight years.

Where does her aunt live?—At Tamworth.

Up to what time did she remain with her aunt at Tamworth?—I can't tell you the period she left.

Not about?—It must have been the previous year she left.

Just remember yourself, her aunt keeps a school at Tamworth, does she not?—She went with her mamma to London after she left her aunt, and then came and was at home; the previous summer, the summer of 1839, she went to London.

I want to know a little of her history; she was away with her aunt, who keeps a school at Tamworth, for eight years?—Yes.

Did she then come home after she left Tamworth?—Yes.

How long did she remain at home before she went to London with her mother?—That I can't tell. I believe it was in April she went to London with her mother.

When did she come home?—She either came home the Michaelmas or Christmas preceding. I cannot speak positively.

That would be 1838?

Mr. Humfrey. 1839.

The Witness. I cannot speak positively.

I think I am right. She went in March or April 1839 with her mother to London; in 1839?—I believe it was 1839 she went.

The Attorney General. I understand, my Lord, that she was with her mother in London in the year 1839.

The Witness. If I had notes to refer to I could tell you. Her mamma will tell you better than me; but I know she did go.

Did she go to a school in London?—She did.

Whose school was that?—Miss Welling's of Upper Clapton.

Cannot you tell us when it was she went to school in London?—I could have prepared myself if I had thought to be asked such a question. Oh! when she went to London she went up in the Spring, Lady-day. I do not know when the quarter commenced in 1840.

What was she doing between the time of leaving her aunt at Tamworth, either Michaelmas or Christmas 1838, and the time of her going to London to school in 1840?—She was at home.

The whole time?—Yes, with the exception of going to London. I am not aware whether she was visiting anywhere else. I cannot remember anything else.

How long was she at Clapton school?—A year and a quarter, and the Midsummer holidays in France. She spent then in France with Miss Wellings to be out of the way of his lordship.

Are you not a little incorrect in saying she left Tamworth in 1838?—I cannot remember. I do not speak positively to that; I should think it may be 1839; I cannot speak positively to that; her mamma will tell you better than I can.

## Re-examined by Mr. Chambers.

In 1839, according to your recollection, she left her aunt's school at Tamworth?—Yes, I believe she did.

She was a year and a quarter at Miss Wellings'?—Yes.

What did you pay a year; a hundred a year?—The bills were very heavy; I forget what they were; I think they amounted to more than a hundred a year with Miss Wellings, not so much with her aunt.

You have said in answer to my friend's question that you first heard of the attachment in 1839; that, although you knew Lord Tamworth was there a pupil of Mr. Echalaz's you did not speak to Lord Tamworth?—No, I did not.

Nor to Mr. Echalaz?—No, I did not.

What was your reason for not communicating to Mr. Echalaz or Lord Tamworth that which you had heard about your daughter's attachment?—We were not on

friendly terms; Mr. Echalaz and I were not, and I thought it better to act on my own judgment, and send her to school out of the way. I consulted her grandfather and sent her to school out of his way.

In answer to a question, you have stated, before 1844 your daughter had said something to you about receiving a letter from Lord Tamworth?—Yes, and I can repeat the

expression in that letter.

So far as you can recollect, will you give the whole of that conversation, and part of which you have given, between yourself and your daughter?—My daughter brought me the letter and said; let me see; let me recollect, that she was to thank me for the gentlemanly——

No, no. I am speaking of the one; just attend.

Mr. Justice Wightman. In 1843.

In 1843. My friend asked you the question in 1842, November or December 1842. In 1842 your daughter had mentioned to you that she had received a letter. You can give us a part of that conversation. Tell me exactly what your daughter said to you?—When she came home she told her mamma, I was present, that she had received a scrap of paper, or a small note, I won't say which, from Lord Tamworth, in which he had written in French, that he had hurt his hand, and could not meet her or see her the day on which he had appointed; but that a man who brought this scrap of paper or letter, I can't say which it was, it was a few words in French; that the man was to take that back, and that she gave it the man, and I was very angry with her for not keeping it; and he took it back.

You were very angry with her for not keeping it?—Yes,

that she had not kept it.

By Mr. Justice Wightman. You did not see the scrap of paper?—No, I did not. She received it in Appleby; the man overtook her when she was in Appleby.

You have also mentioned that your daughter procured

certain books?—Yes, she had.

Did your daughter ever shew you any list which she had of the books?—No, she did not.

In the conversation where she mentioned Lord Ferrers

named those books did she say anything about any list?—No, not any list.

So far as you can recollect you have told us all the conversation that occurred, have you?—Yes, I have. She told me that the "Scottish Chiefs," Scott's novels, she should make a present to me when she went.

Scott's novels she should make a present to you when she left?—Yes.

Who was Mr. Thompson that has been referred to ?—He is a bookseller or stationer in Tamworth. A stationer resident in Tamworth.

Have you seen Mr. Thompson here since the trial began?

—No, I have not. I have not looked about me; he may be here; I have understood he is here.

You have stated that one of the letters was sealed by Mrs. Smith; was that the first time that she had sealed a letter for you?—No; she seals most of my letters. She seals them better than I do. I seldom seal letters, in fact.

At first, I observed, you answered to my friend that you were not quite certain whether Lees had brought both the handkerchiefs?—I cannot speak positively to that fact, to that circumstance. Lees, I am sure, shewed me them both; but whether he shewed me one, two, or only one, I can't say, but he shewed me both after they were sealed.

Now, who is Lees?—He is a sub-tenant of mine. I rent Mr. Kendall's estate, and I let Lees a malt-house, and a croft of land.

I think you said he was in the habit of coming to you before he went to market?—Yes, always, since I have been ill, and cannot attend markets, he has done all my marketing. He has sold all my corn; my son is not old enough.

He comes up into your bedroom to consult you, and receive directions?—Yes.

Some mention has been made of a little scrap of poetry, or attempts at poetry, which was shewn to you by your daughter; would you recognize them again?—I dare say I should.

There is one that is, "If you love me, say not a word, dearest!"

Mr. Justice Wightman. He only speaks of one.

The Attorney General. However you may put it, as many as you please.

Were scraps shewn to you at the time?—I recollect one, but I have seen more than one.

By the Attorney General. Did you say you had seen more than one?—I believe I may have seen more than one. I have only seen one lately. In the early period of Lord Tamworth——

Just see here; here is a little bit at the end of the line, "If you love me, say not a word, dearest!" look at that; (handing a letter to the Witness) was that one?—Yes, that was one.

Now look at this; here is a longer attempt; here is something about "Bell ringing for family prayers" at the end. (Handing another paper.)

Mr. Chambers. Was that marked on Saturday?

The Attorney General. No, they were not; there was no mark put on this. We must have these identified.

The Witness. Yes, I have seen these both before.

Were both these shewn you?—Yes, I have seen both of those.

By your daughter, I mean?—Yes.

Mr. Justice Wightman. How many?

Mr. Chambers. Only two, my Lord. We had better mark them letter D.

Mr. Justice Wightman. You may mark them both with the same letter.

Mr. Chambers. Those are what we call the poetry.

With regard to the letters which have been shewn you, in which you are asked to speak whether they are your daughter's handwriting, to your knowledge, have you ever seen any of those before?—Never.

Mrs. Mary Anne Smith, sworn, examined by Mr. Robinson.

Are you the wife of the last witness, Mr. Smith?—I am. Will you tell us, if you please, the age of your daughter, the Plaintiff in this Action?—Twenty-one.

When was she twenty-one?-Last January.

Will you tell us, if you please, when she first went to school? I will ask that first. When did she first go to her aunt's at Tamworth?—When she was six years of age, or seven, I can't say to the year.

You say she went there when she was six or seven years old; how long did she remain there?—Eight years.

What became of her, then?—She came home.

To Austrey?—To Austrey.

Did she remain there any time?—She was at home a year.

By Mr. Justice Wightman. What year was that?—(No answer.)

Can you recollect the precise year she came back to Austrey?—She was fourteen years of age when she left Tamworth.

And now she is twenty-one ?-Yes.

By Mr. Justice Wightman. What time of the year did she come home?—(No answer.)

Do you recollect what time of the year it was when she returned to your house?—I think Christmas.

How long did she remain at home, Mrs. Smith?—She remained at home one year.

She remained at home one year; and where did she go, then?—To London.

Was she then at school near London?—She was.

How long did she remain there?—A year and a quarter. Spending the vacation, I think we have heard, in France?—She did.

Did she come back to Austrey?—She did.

Probably you can fix the very time when she came back to Austrey? Can you tell us the month?—It was Midsummer; Midsummer holidays she came home.

The Midsummer holidays of what year?—1841, I think-By the Attorney General. When did she go to school in London?—In the year 1840.

Has she been at home since that ?—Yes.

Do you recollect Lord Ferrers, when he was called Lord Tamworth, being at Mr. Echalaz's at Austrey?—I do.

Was that before your daughter went to London?—It was.

Did you then hear of some attention being paid by Lord Tamworth to your daughter?—I did.

Did you hear that from your daughter?—Yes.

Was it in consequence of that, that she was sent to London?—Partly in consequence of that.

The Attorney General. Not quite such a leading question, if you please.

Now, when she came back again, did you hear of attentions being still paid by Lord Ferrers to your daughter?—He was abroad.

He was abroad when she first came back; but at some period after he had come back, did you hear of attentions being still paid by him to your daughter?—When he returned from abroad he took an opportunity of seeing her, and she then told me.

You heard it from your daughter ?-I did.

Mr. Justice Wightman. She told you he had seen her.

In the beginning of the year 1844, did you hear of a correspondence being carried on?

The Attorney General. Pray do not put dates to her; if you will, ask when she heard or at what time.

Will you put letter one into her hand?

The Attorney General. You lead up to all the dates, which are very good indexes. (The Witness examines No. 1.)

Look at that letter, tell me when you first saw it?—The beginning of the year 1844.

Just look at the date of that?—(The Witness examines the letters.)—That is the letter I know. It was the first letter.

Who shewed you that first letter?-My daughter.

Did she shew it to you at the time it bears date, or some other time?—The day she received it.

Mr. Justice Wightman. No, no.

By the Attorney General. Did you see her receive it?

—I did not.

Did you observe the date of the letter, Mrs. Smith?—I don't know that I did particularly.

Did you read the letter at the time?—She read it to me, and I read it myself afterwards.

You read the letter at that time?—Yes.

The Attorney General. That is the time she shewed it. Mr. Justice Wightman. All I have got is, that she saw a letter the beginning of the year 1844.

You say you read the letter?—Yes, I read it; I took it to her papa at night, and read it to him.

At the time she shewed it to you, did she tell you when she received it, or not?—I believe she told me afterwards that she had received it that day.

The Attorney General. I do not know that that is a question my friend is quite at liberty to ask.

Mr. Justice Wightman. Not, if it is objected to.

Mr. Robinson. I apprehend I am entitled to ask that, merely what she said when she shewed the letter, that it was given and the letter received, then I do not ask the contents of it.

It was given to you as a letter received, then? (The Witness read it.)—Yes.

Did you shew that letter to your husband ?—I did.

By Mr. Justice Wightman. Took it to her father at night, and read it to him?—Yes.

Where did you get it from when you took it to your husband to read it?—Miss Smith was gone to bed, and I went and took it out of her pocket.

Shew her the other letters. Just look at those other letters, if you please. (No. 2 is handed to the Witness, who examines the same.) Can you say whether you have seen that before?—Yes, I have; I am sure I have seen it.

Did you see those letters after you saw that first letter, you have been asked about?—Yes, I did.

Did you receive them all together, or did you see them from time to time?—From time to time.

Such of them as bear date, did you see about the time they bear date or at other times?—About the time they bear date.

Do you recollect a handkerchief?—Yes.

Do you recollect a handkerchief being sent from your house to Lord Ferrers?—Yes, I do.

I first of all ask you was there more than one handkerchief sent?—Two handkerchiefs; at different times. Were they of the same description, or different kinds of handkerchiefs?—They were both alike.

What sort of handkerchief was it?—French white handkerchief, with a small running pattern of lilac.

French cambric, or what?—Silk, not perfectly white, rather yellow; what we call French white.

With some border?—Yes, a small running border.

When was the first one, do you recollect when was the first one sent?—I think, in March; March, or February, I cannot speak positively; it was either February, or March.

Give the lady the second letter, No. 2. (The Witness examines No. 2.) The letter beginning "Dearest Mary, your parcel of last night." Was it before you saw that letter, that the first handkerchief had been sent?—Yes, it was.

Was that handkerchief marked?—It was; the letter F marked.

Now, how was it marked; was it done in the threads, or any other way?—It was marked with Miss Smith's hair.

Did you see that handkerchief put into an envelope?—I folded it up myself, and put it in.

You folded it up yourself, you say ?-I did.

Was there a letter inside of that envelope, besides?—There was.

Had you seen the contents of that letter or not; do not tell me what they were; which were put with the hand-kerchiefs?—I do not remember; I read them particularly; I was in the room when she wrote them, and saw them put in.

Who do you mean by she?—My daughter.

Then you did see her write the letter?—Yes; I sat at the table while she wrote it.

Did you see whether it was signed or not?—I believe I did; yes, I did.

By Mr. Justice Wightman. Was it signed or not?—Yes, it was signed; I folded the letter up myself, and therefore I saw it; I folded the letter up, and put it in myself.

Was the letter that was inside the letter that you speak

of; was it directed to any body?—When I first saw it it was not put in the envelope, nor directed; but she afterwards put it in the envelope, and directed it.

You saw it when it was directed ?-I did.

Who was it directed to?—The Right Honorable Earl Ferrers.

You say you put the handkerchief into the envelope?—I did.

Did you also put into it this letter that your daughter had written?—Yes, I did.

What did you do with it then?—I gave it to Lees to post it, or I might take it up to Mr. Smith; I believe I took it up to Mr. Smith to look at, to see if it would do.

You took it?—I took it to Mr. Smith up stairs to look at it, to see if it would do to send.

Was that envelope so containing the handkerchief and the note, was that envelope sealed?—It was.

Did you seal it?—I did.

Was it directed to any body?—It was directed to the Right Honorable Earl Ferrers, Chartley Castle, Staffordshire.

What did you do with it then; you say you gave it to John Lees?—Yes, he posted both.

That was the last you saw of it ?-It was.

You said there were two handkerchiefs?—There were.

Did you see the second handkerchief, marked in the same manner that the first had been?—Yes; they were each marked with the letter F.

And your daughter's hair?-Yes.

Do you happen to know whether she marked both, or whether somebody else marked one?—She did not mark either of them; she did not mark either of the handkerchiefs; a young lady who was staying with us marked one, and the sister of one of the servants marked the other.

The Attorney General. Will you get the name of the young lady who was staying with them.

You say a young lady who was staying with you?—A young lady staying with us marked one, and a sister of one of my servants marked the other.

Were they both equally well marked, or was there a

considerable difference in the style?—The one the servant marked was not so well marked as the one the young lady marked.

Shew the lady the letter No. 3 (The Witness examines No. 3.) Look at that, can you say whether the second handkerchief had been sent before that letter was seen by you?—This letter was received after the second handkerchief was sent.

I think I understood you to say you put the second handkerchief in the envelope?—I put both handkerchiefs in the envelope.

The second as well as the first?—The second and first too.

Do you know whether there was any letter accompanying the second handkerchief?—There was a letter accompanied each of the handkerchiefs; there was a letter with both of the handkerchiefs.

Did you see that letter which accompanied the second handkerchief?—Yes, I did.

Did you see it so as to read it, or merely to see that it was a letter?—I can't say that I read it quite through, but I generally sat at the table when she wrote her letters.

You saw your daughter, I may take it, write the letter which accompanied the second handkerchief?—Yes.

You sat at the table while she was writing it?—I am not quite certain I saw her write the last letter; I think I did not see her write the second letter; the lady who was staying with me and I walked out while she wrote.

Mr. Justice Wightman. I must correct the answer.

The Witness. I did not see it wrote, but I put the letter in the envelope with the handkerchief.

Who was the lady, do you know?-A Miss Needham.

By Mr. Justice Wightman. What lady?—The lady that marked.

The Attorney General. The lady that walked out with her; I suppose she means the one that marked the hand-kerchief.

The Witness. Yes, she marked one of the handkerchiefs. Did you see that letter after it was written?—Yes.

In whose writing was it?—Miss Smith's.

By the Attorney General. You saw the direction, do you mean?—I saw the direction.

Did you fold it up, or was it folded up by somebody else?

—Miss Smith folded the second letter.

Was it directed to anybody?—Yes; it was directed "To the Right Honorable Earl Ferrers," and enclosed with the handkerchief.

Did you enclose it with the handkerchief?—Yes, I did. Did you direct it?—No, she directed it.

I mean the envelope?—I did not direct either of them.

Did you seal it?—Yes, I sealed it; I can't say I sealed the envelope; I sealed the envelope containing the hand-kerchief and the letter.

I mean that; you say you did not direct that envelope?

—I did not.

What did you do with that envelope?—I gave it to Lees; I gave it the man who posted the other to post that also.

You gave it to Lees to post?—Yes.

At that time, when you gave it to Lees, was it directed?

—Yes, it was.

How was it directed ?—The Right Honorable Lord Ferrers, Chartley Castle.

Do you recollect, Mrs. Smith, accompanying your daughter, at some time in 1844, to Stafford?—To Tamworth.

To Stafford ?-Yes, I do.

Can you tell me what month of the year 1844 that was?

—I am not sure; but I think April.

Did anybody go with you besides your daughter?—A man-servant.

Did you go for the purpose of meeting somebody at Stafford?—We intended to go into Wales; Earl Ferrers wished my daughter to go, and I was to accompany her.

By the Attorney General. You mean by letter? Did Earl Ferrers express this by letter?—I do not recollect that; when she saw him—

The Attorney General. Do not tell us anything that is not to be found in those letters.

You say you went, at all events, for the purpose of meeting Lord Ferrers at Stafford?—Yes, I did.

Did you meet Lord Ferrers; did you see him at Stafford?

No, I did not.

What did you do then?-Returned home.

Was that the same day, or the next day?—No, we stayed all night at Stafford, and returned the following morning.

Did you go to a place called Siarscote the next day?—Yes.

Who lives there?—My father.

Did you then see your sister, Mrs. Perry?—Yes.

Did your daughter then write a letter to Lord Ferrers?
—She did.

Did you see that letter?—Yes, I saw it; I went round by Tamworth and put it in the post.

I first of all asked you, whether you had seen it. Did you see the contents of the letter?—Yes, I did.

I do not know whether your sister, Mrs. Perry, saw it also, or not; do you know?—I can't say positively whether she did or not.

What became of that letter?—Put it in the Tamworth post.

You put it yourself in the Tamworth Post?—I put it in myself.

How was it directed?—The Right Honourable Earl Ferrers, Chartley Castle.

As far as you know, was any answer received to that letter?—Sometime afterwards there was.

You say it was sometime after, before any answer was received to that letter?—She received a letter from the earl before he received her letter; he was surprised he did not meet us.

Give the Witness No. 5. Did she show you the letter she had received, do you say?—Yes, she did.

Look at No. 5. (The Witness examines No. 5.) The letter dated April 30th, you will see. No. 5.—This is the letter she received.

Before your daughter actually received, or before you saw that letter yourself, had she written a second letter besides the one she wrote after coming back from Stafford with you?—No; she received this between the one she wrote and the one she wrote again.

The Attorney General. She received the letter No. 5,

when, I want to understand.

The Witness. A day or two after we returned from Stafford; a few days afterwards.

By Mr. Justice Wightman. That you saw a few days

after you returned from Stafford?—Yes.

What she has said is, that she wrote a letter at Siarscote; it was put in at Tamworth; then she received a letter from Lord Ferrers before he got hers?—Yes, she did; because he was surprised we did not meet him.

Is that so: your daughter wrote a letter from Siarscote. How soon after that was it you received this letter, No. 5, beginning April 1830?—It might be two or three days, I can't speak positively.

Do you recollect another letter being written by your

daughter, which was given to Mrs. Perry ?-I do.

Do you recollect when it was that that letter was written by your daughter, about?—I can't remember exactly: she was going to Lichfield, and she posted the letter at Lichfield.

You can't recollect about the time?—Not many days.

Not many days after what?—After she received this letter.

Did you see that letter that was given to Mrs. Perry?—No; I saw the letter before; I did not read that letter.

Did you see then how it was addressed;—Yes, I did.

Who was it addressed to?—To the Right Honourable Earl Ferrers.

Was that all ?-- Chartley Castle, Stafford.

You say you did not read it; did you see in whose writing the letter was?—Yes, I saw it, because we all went up to Tamworth together: my sister, myself, and Miss Smith.

In whose writing was it?—Miss Smith's writing.

Give her the letter of the 24th of June.

The Attorney General. Letter A; I suppose you mean letter A?

Mr. Robinson. Letter B.

Mr. Humfrey. 24th June is No. 9.

Letter B we want. It is letter 9 and letter B I want. (The Witness examines letter B.) Did your daughter show you that letter, dated the 24th of June, purporting to come from Lord Ferrers to herself?—Yes; this letter was to Mr. Smith.

Mr. Justice Wightman. They have given her the wrong, No. 9. The 24th of June there was B and No. 9.

Mr. Chambers. No. 9 contained B; that was the way it was.

Mr. Justice Wightman. The same day.

She showed you No. 9?—Yes.

Did she also show you a letter at the time, a letter addressed to your husband, which she said came with it?—Yes.

Is that the letter?—Yes, that is the letter.

By Mr. Justice Wightman. Then both the letters. No. 9 and also the one marked B?—Yes.

Did you see the letter that was addressed to your husband, given to him, or know he had it?—Yes, I did.

Did you take it to him or your daughter?—I probably took it to him; but I can't say positively whether I did or not.

At all events, you saw him after he had seen the letter?

—Yes, I saw him.

Did you see any answer which your husband wrote to that letter?—Yes, I did.

When did you see that, Mrs. Smith?—It was two or three days before Mr. Smith replied to that letter. I think the letter was received on the Tuesday, and replied to on the Friday.

Did you see the answer which Mr. Smith sent to that letter?—Yes, he read it over to me.

Did Mr. Holgate see it?—Yes, he did.

Did you see it sealed, or seal it?—Yes, I sealed it.

Did you seal it?—Yes, I sealed it.

Did you direct it?—No, I did not.

Did you see it when it was directed ?-Yes, I did.

How was it directed ?- The Lord Ferrers: I think it was

not the Right Honourable; The Lord Ferrers, Chartley Castle.

Sealed was it?-Yes, I sealed it.

What became of the letter?—We were going to Ashby the following morning.

How far is Ashby from Austrey?—Eight miles.

In the interval between the time when it was sealed, and your going to Ashby the following morning, what became of the letter?—It was put in the book-case.

Where?—In a drawer that we generally keep locked, in a book-case.

Who put it in the book-case?—I did, myself.

And the next morning you said you were going to Ashby?

—Yes.

Who went to Ashby?—Mr. and Mrs. Holgate, my daughter, and myself.

Did you take that letter with you?—Yes, I did.

What did you do with it?—Put it in the Ashby post-office.

Yourself?-I did.

Do you recollect hearing of Lord Ferrers having married some other lady?—Yes; I went to Ashby, and heard it there.

Before that time, had preparations been making in your family for the marriage of Lord Ferrers to your daughter?

—Yes, everything was ready.

Dresses, and bride cake, and things of that sort?—Yes. Mrs. Smith, you have told us how long your daughter was at school from time to time; is she a young lady that writes English grammatically or not?—Yes, indeed, I should say she did.

Mr. Chambers. My Lord, there is one part about this letter; I think this would be the proper time to call on them to produce the letter that we have given them notice to produce.

The Attorney General. You had better wait a little; I suppose you will call Mr. and Mrs. Holgate; at present I have not cross-examined Mrs. Smith. I presume you are going to call Mr. and Mrs. Holgate; I have had no opportunity of asking any question of them.

Mr. Chambers. I dare say we shall.

The Attorney General. So I dare say, and therefore I will wait.

## Cross-examined by the Attorney General.

So everything was prepared for the marriage, was it?—Yes.

The dresses were ordered; from whom were they ordered?
—From a Mrs. Lees of Appleby.

My friend says, "Bride cakes and things of that sort;" I do not know exactly what he means by that?—Yes, they were in the house, part of them.

What are "things of that sort" you say were ordered?—I did not say "things of that sort."

Bridesmaids selected ?—Yes.

Who were the ladies that were to be bridesmaids?—Two of her cousins.

Their names?—Miss Smiths.

Were those the daughters of the lady with whom she was at school?—They were.

And were they at Austrey ready for the occasion?—No, they were not.

They had not arrived?—No.

All these preparations made, and you had not seen Lord Ferrers yourself?—I had not spoken to him.

You had not spoken to Lord Ferrers never in the course of your life?—No.

And all these preparations made without any personal communication on your part, or that of Mr. Smith, with my Lord Ferrers?—He continually signified that he should come, but he did not.

He signified he should come, but he did not, and therefore you went on with your preparations? — By his wish.

Expressed in the letters?—Yes.

Which letter?—You will find it in the letters.

Can you tell me which it is? I recollect some about putting off; I do not recollect any about putting on. You say the preparations were all made in consequence of Lord

Ferrers' desire that they should be, as expressed in his letter?—Yes, they were.

Which of the letters we have had before us?—He speaks

of his wish to marry her in May.

His wish to marry her in May?—And begged that I

would get her things ready.

It was as early as May, was it, that you prepared?—No, I do not mean to say everything was ready; some of the dresses were not made, but they were in a state of preparation; they were purchased.

When did you begin your preparation?—I cannot say

exactly, perhaps two months before.

Two months before May?-Yes.

By Mr. Justice Wightman. Is that what you mean, Mrs. Smith, two months before May?—I deferred. I did not wish to begin until I had seen him, he insisted I should.

By Mr. Justice Wightman. Did you begin in March?
—Probably some of the linen might be made in March, but I cannot speak to that now, perfectly.

When did you give the orders for the bridal dresses?—

It was put off from time to time.

I am asking about their being prepared to be put on. When did you give your orders for the bridal dresses?—They were ready in June and July.

When did you give the orders for them ?—I cannot tell

you which day I gave the orders.

About the time; you began your preparations in March with the linen; when did you give your orders for the bridal dresses?—Probably June.

When did you order the bride-cake?—Part of them were in our house in June.

That is no answer, when they were ordered?—I cannot tell you when they were ordered precisely.

Did you order them yourself?—Yes, I'did.

You are the best person to tell me then, you know, when was it you ordered them?—About a month before they were received.

Were they in your house, then, in May?-No.

In June ?-Yes.

Then you ordered them in May?-Probably, I did.

Part of them only were there?—What I had ordered the Earl did not think sufficient, and wished my daughter to order more.

Let us know that, what you had ordered, the Earl did not think sufficient, and wished your daughter to order more?—Yes.

Was that contained in any letter, or was that what your daughter told you?—What my daughter told me.

Then there was no letter complaining the provision that had been made in the way of bride-cake was not sufficient? —I do not recollect there was.

You do not recollect your daughter told you that Lord Ferrers said there was not sufficient ordered, and that more must be ordered?—Yes.

And that you ordered accordingly ?—Yes.

How many had you ordered at the time when there was not sufficient?-Two.

How many more did you order in consequence of what your daughter said?—Two more.

Double, then ?—Yes.

Who did you order them from?—Part of them were made at Leicester, and the other at Ashby, at Mrs. Goodman's.

Who at Leicester?—They were strangers, and I do not remember their names.

What distance is Leicester from you?—Two of my younger children went to school there.

That surely is no answer to my question?—That is the reason why they were ordered there.

What is the distance ?—Eighteen or twenty miles.

Is it a celebrated place for wedding-cakes?—I cannot tell.

You say your daughter had received an excellent education, and writes grammatically?-She did.

Wrote a very good letter, did she?-Yes, she did.

French did she understand?—Yes.

Very fond of reading?—Yes, she was.

Among others, fond of novel reading ?-Not particularly.

Generally?—No, I do not say she was generally.

You do not say she was not?-Not generally fond of

novel reading; she was fond of reading for her own im-

provement.

Was she in the habit of reading novels?—We live in the country, and perhaps, if one comes in the way she might probably read it.

Perhaps if twenty came in the way?—I do not say she would be allowed to read twenty novels.

You would prevent her?—Certainly.

Did you ever interfere to prevent her?—Why, not in reading twenty novels, because we never had twenty.

Did you ever interfere to prevent her reading novels?—I am not aware, we seldom have a novel in the house.

Do you mean to say she was not in the habit of reading novels?—She was not.

She was not?—Not particularly, she might read one in a month, perhaps, or two months, I cannot speak positively.

Did she subscribe to a library?—Her father did.

A circulating library?—No, not a circulating library.

A library from which you could get books?—A book society.

Is your daughter tall or short?-She is tall.

Is she fair or dark?—She is neither very fair nor very dark.

Dark hair ?- Dark hair.

When was it you first heard of the attachment of Lord Tamworth to her?—Not at the very time he first spoke to her, and paid his attentions, it was sometime after she told me.

When did you first hear of it?—Perhaps two or three months after she first knew him.

That gives me no notion at all of the time, when was it she first told you?—It was in the year 1839, or 1840, 1 cannot say which.

Was your daughter at that time fifteen years old?—She was only, I think, fourteen when she first knew him. I believe fourteen.

Was she at the time she told you that Lord Tamworth was attached to her; was she fifteen years old?—I do not think she was quite fifteen, but she might be near upon it;

she was between fourteen and fifteen, she was very young, she might be near fifteen.

You knew at that time that Lord Tamworth was a pupil of Mr. Echalaz?—Yes, I did.

How long after your daughter had told you this, did Lord Tamworth remain in Austrey?—Probably from half a year to three quarters of a year. I cannot say.

And during that time you, as you told us, never spoke to him?—No.

Nor did Mr. Smith?—No, he did not, we were not on visiting terms at Mr. Echalaz's; and therefore we did not speak to any of them.

You heard of his going abroad?—Yes, I did.

Did you hear of his return?—Yes.

Who told you of his return; do you recollect, was it your daughter?—Yes, I believe it was.

Do you recollect when it was she told you of his return?

—He returned a short time previous to the death of his grandfather.

When was it that your daughter told you?—I do not know whether we saw his return in the paper, or whether she told me; I cannot say.

But you heard of it about the time, did you?—Yes.

Either from the newspapers or from your daughter?—Yes, I did.

Shortly after you had heard of his return, was there a ball at Tamworth?—There was a ball at Tamworth, but I am not quite sure whether it was shortly after his return or not.

Just recollect yourself?—Yes, I believe it was.

About two or three months after his return?—Yes.

Did you go with your daughter to that ball?—I did.

I believe you dressed at the house of Mr. Neville, at Tamworth?—Yes, we did.

Miss Neville had been a schoolfellow of your daughter, had she not?—Yes, she had.

Do you recollect, while you were dressing, going to Miss Neville's room to ask how she meant to dress her hair?—I recollect saying something to her about her hair, because she did not usually dress it very well.

Never mind about her usually dressing it very well?—
It was merely to recommend her ———

Attend if you please, this is not a laughing matter, Mrs. Smith?—No, indeed it is not.

Therefore do not make it one; did you enquire in what way Miss Neville meant to dress her hair?—I cannot remember so trifling a thing.

You said a short time ago that you did?—I probably might make a remark on her hair; I will not speak positively.

Did you say your daughter meant to wear a single rose?
—Probably I might, but that I cannot speak to; it is three or four years since, therefore I do not remember such things.

You did go with your daughter to the ball?—Yes, I

did.

Had she a single rose in her hair?—Yes, she had.

A white rose?—Yes.

A single white rose in her hair ?-Yes.

Lord Ferrers was not there, I believe?—No, he was not.
Did you learn whether your daughter expected him there?
—I cannot tell.

Step a moment; you must know whether your daughter told you whether she expected to meet Lord Tamworth there?—He had never told her, therefore she had no right to expect it; I cannot tell that she did; she did not know; he might be there, or might not; she could not possibly say.

Is that it?—I do not know.

Did your daughter say that he might be there, or might not, she could not possibly say?—I do not remember what passed.

Now just attend, Mrs. Smith?—I do attend.

Do you mean to say your daughter did not say anything to you about expecting Lord Ferrers there or not?—I mean to say that she never told me positively that he would be there.

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That is the very thing; she never told you positively he would be there; did she tell you she rather thought he would be there?—She might tell me so.

She might! Did she?—I do not know, I do not remember.

Oh yes, you do; you remember she did not tell you positively he might be there, you recollect something about it; recollect a little further; did she say he possibly might, or she rather expected that he might be there?—She might.

But at all events he was not there?—No, he was not.

Now after this, do you remember at different times your daughter stating that she had received presents from Lord Ferrers?—Yes, I do.

A great variety of different things ?-Yes.

What things did she tell you she had received from him?

—Dresses, jewellery, and books.

Can you recollect about the time when you first saw any dresses, jewellery, or books, which she said were presents from Lord Ferrers?—The year 1843.

The beginning of the year?—I do not know about the

beginning.

That is what I want to know; I am curious about it; I want to know what time of the year 1843 it was; surely you can tell me whether it was the beginning of the year or late in the year; give me some notion of the time?—Probably at the beginning.

What was it, probably at the beginning, you heard had been presented by Lord Ferrers to her?—I really cannot

say what in particular.

Books or jewellery?—Yes.

Or dresses?—Why, she had some of each of those articles, and I cannot say what she received first.

Did you know of her having those articles, or being presents, until you saw them in the house?—No, I did not.

Did you see in the house things that you had not seen before; books for instance, or jewellery, or dresses, and did you enquire of your daughter about them?—Books were sent.

Just answer my question, if you please, first?—Dresses and jewellery; I did.

You saw your daughter with dresses and jewellery which you had not seen before, and you asked her where she had got them?—Yes, I did.

You knew, I suppose, for Mr. Smith has told us that she had no allowance of her own?—She had not.

You asked her how she got the dresses, and how she got the jewellery?—Yes.

Then did she tell you they were presents from Lord Ferrers?—She did.

The books you say were sent to her?—Yes.

Which books; how were they sent to her do you recollect?—The Queens of England and Miss Bremer's works and Scott's novels.

The Abbotsford edition of the Waverley novels ?-Yes.

Anything else?—Yes; there might be two or three other books.

The Book of Beauty?—Music books.

When you say they were sent to her, sent in what way?
—Sent from Tamworth; sent from Mr. Thompson's.

And did you understand from her that they were sent from Mr. Thompson's by order of Lord Ferrers?—I did.

What did she say about the dresses and jewellery?— What did she say? she said they were presents from the Earl.

Was that all she said about them?—Yes; I do not remember she said anything more.

Now, give us a notion what the dresses were that you say she said were presents from the Earl?—Different description of dresses.

Yes, that I know?-It is not material.

Oh, yes, material; it is the materials I am asking about, just tell me?—Some were silk.

And others what?—Muslins, cashmeres or muslins.

You know better than I do what they were, they were silk, cashmere, and muslin?—Yes.

Were there shawls and different things as well as dresses?—No, I think not any shawls.

Nothing but dresses ?-Yes.

Pieces to make up into dresses?—Yes, pieces of silk, muslin, and cashmere, and so on.

Were there a great number of them ?—No.

And jewellery, what description of jewellery; that was likely to attract your attention?—Brooches and rings.

Did you ever learn where these dresses and jewellery came from?—Not until we found out that they were not paid for.

How long after the time that your daughter told you they were presents from Lord Ferrers did you learn that they had not been paid for?—Two or three months.

How did you learn that, by the bills coming in ?—Yes.

And then you learnt where they had been ordered, did you?—Yes.

And where were the dresses and jewellery ordered; you can tell us?—Yes, I can. Mr. Sales of Tamworth, and Miss Baker the jewellery, but the books from Mr. Thompson.

Did you then find out that all the dresses, and jewellery, and books, had been ordered by your daughter?—I did not suppose that she had ordered them.

Never mind your supposition, my question is a very plain one; did you learn then that all the jewellery, and dresses, and books had been ordered by your daughter?—I could not tell that, they were ordered before the bills came; that was all I know about it.

Do you mean to say ——?—I could not tell whether Miss Smith had ordered them or whether he had ordered them; I could not say who had ordered them; I did not order them.

Did the bills come in to you?—They did, and I paid them.

Then the bills came in to you?—Yes.

On coming in to you did you make enquiries of your daughter about it?—I did.

Did she tell you Lord Ferrers was to pay for them, and she to order them?—Yes.

And you paid them, did you ?-Yes, I did.

Pray, did you pay for them out of your own money or Mr. Smith's money, or out of the sum of £100 borrowed from Mr. Earp, the grandfather?—Partly out of that sum and partly Mr. Smith's money.

What did they all amount to?-I cannot say what.

Yes you can?—£200 probably.

It was the beginning of 1843 you heard of this probably, as you say, about three months afterwards?—I cannot speak to the time, it might be the end of 1843, or the beginning of 1844.

Now, just attend, you have told me probably it was the beginning of 1843 you heard of your daughter having presents of different descriptions of dresses, jewellery, and books, about three months afterwards from the bills coming in?—They might not come in; I cannot speak to the time of the bills coming in; probably the bills did not come in until Christmas, until the time bills are generally sent in.

Then it is a little mistake to say it was about two or three months after you heard it, it was not until Christmas?

—I did not notice when the things were purchased, and therefore I cannot tell how long the time was.

But you know when the bills came in?—I do not know that I do.

Did it not astonish you very much?—I did not see all the bills.

Did it not astonish you very much when bills came in for things which you had heard from your daughter were presents from Lord Ferrers?—Of course it did.

Did you not immediately make enquiries of your daughter how it happened?—Yes, I did.

You can tell us, you know a most important event, you can tell us about when this occurred ?—I cannot tell you the precise time.

I will not ask the exact time?—It would be the end of 1843 or the beginning of 1844, you will find in the letters when they are referred to, that will give the time.

Never mind the letters at present, we are referring to you and your memory on the subject?—My memory is not good.

Did your daughter tell you immediately when you asked about the bills?—No; I did not see the bills; she gave the bills to Earl Ferrers herself, and he said he would pay for them.

Now stop a moment, she gave the bills to Earl Ferrers?

—The bills of particulars.

And you did not see the bills?—There was a bill sent in afterwards for the whole amount, but not the particulars of the different articles.

Let me understand, Mrs. Smith, I think you have told me the bills came in to you?—No, I never said the full account, it was merely "bill delivered."

I understood you distinctly to say the bills came in for these different articles to you, that you were astonished, having heard they were presents from Lord Ferrers, to receive these bills, and made enquiries?—I did not see the bills, she took them herself and gave them to the Earl; that is the fact.

Now, let us understand precisely how it was, you heard from your daughter afterwards, I suppose, that the bills had come in ?—Yes.

That those bills, although your bills, your daughter took?

—Yes.

At least as she told you?—They were bills made to Miss Smith.

You were telling us you know what you heard from your daughter?—Yes.

You did not see the bills ?-I did not.

Mr. Justice Wightman. "I heard from the Plaintiff that the bills had come in, I did not see them."

The Attorney General. She heard from her daughter she had given those bills to Lord Ferrers.

The Witness. Yes, which he promised to pay.

This you heard from your daughter?—Yes.

You say that afterwards you saw not the bills themselves, but merely a general item, "To bill delivered?"— Yes.

What, from all these parties: from Sale, and Baker, and Thompson?—From Sale and Baker, yes, and I believe from Thompson too.

Did those come in to you?—One, in particular, I remember coming to me; I cannot speak to the others.

Which was the one in particular?—Mr. Sales' bill.

Can you not speak of the others?—No, not positively I cannot.

What is your belief about it?—I do not quite remember about Mr. Thompson's bill, in what way that came.

Miss Baker, the jeweller, what do you say to that?—I never saw that bill.

Not even the total, as "To bill delivered?"—I did not. Your recollection as to seeing the *total* is as to Sales'—the dresses?—Yes.

Did you then enquire of your daughter; was it upon that occasion you made enquiries of your daughter, "Why, how is this; a bill has come in for what you told me were presents from Lord Ferrers?"—Yes, I did.

Did she tell you?—She did.

Then she did not conceal it from you at all?—No, she did not, she did not conceal it.

Mr. Justice Wightman. She has answered, then she made enquiries of her daughter.

Was that when she received the bill from Mr. Sales, containing the total?—Yes.

Probably you will be able to tell us about the time when you received the total bill from Sales?—I cannot say the precise time: Mr. Sales wrote to me, and begged that I would send him the money, as he had a large sum to pay; therefore, I cannot say whether it was Christmas, or when.

Was it about that time; was it about the time when tradesmen become urgent in general for their bills?—It might be, I do not remember.

It was about Christmas; do you mean Christmas 1843, 1844, or when?—Oh, certainly 1843, or the beginning of 1844; but I think 1844 was the time.

Did your daughter afterwards tell you that Lord Ferrers had no money to pay for these things?—He wished her to pay for them. He wished her to borrow money. either from her papa or grandpapa, and to pay for them.

Your daughter told you, Lord Ferrers wished her to borrow, either from her papa or her grandpapa, to pay for them?—Yes.

And do you remember about the time when your

daughter told you that, that Lord Ferrers desired her to borrow?—I think in 1844; in the Spring of 1844.

Did you see afterwards; did your daughter show you at any time (I want letter A); did your daughter afterwards show you that letter as having been received from Lord Ferrers? (Handing letter A to the Witness.)—Yes.

Can you tell me about what time that letter was shown to you by your daughter?—Yes, in the Spring of 1844.

I see the letter has no date; that is so?—Yes; he was not particular in those things; he was not particular in giving dates, but I can speak to this: he gave that into her own hands at Ashby.

Lord Ferrers?—Yes.

Did you see him?—No, I did not.

You have spoken to that: you say Lord Ferrers put it into her own hands?—She told me so.

"My daughter told me, that Lord Ferrers put that letter into her own hands at Ashby;" this was the letter you mean: "Sir,—It is my will and wish instantly to pay for all at Tamworth as soon as may be; and this much I say, and feel very aggrieved that any such indiscretion of mine should have caused vexation to Mary. Allow me to remain, truly yours, Ferrers." To I. N. Smith, Esq., Austrey. That is the letter?—That is the letter.

Which he himself put into her hands?—Yes. How far is Ashby from Austrey?—Eight miles.

I see that your daughter in this letter is called Mary; is she generally called Mary in the family?—Yes, always.

And does she occasionally, you say she knows something of French; does she occasionally use the name of *Marie*?—Yes, she does.

You say, in the year 1844, your daughter, from time to time, showed you the letters which have been put into your hands?—She did.

You never received them yourself?-No.

Did you ever see your daughter receive them?—I met her coming up the garden with one in her hand; but I did not see her receive it from any person.

You never saw her receive a single letter?—No.

But you saw her coming up the garden with one in her

hand; can you fix which of those letters it was that you saw?—No, I cannot.

Besides the letters which she showed you from time to time, did she also show you those two letters (marked Y) from Mr. Devereux Shirley, a brother of Lord Ferrers?

Mr. Chambers. Purporting to be.

The Attorney General. If you please, purporting to be. By Mr. Justice Wightman. The two letters marked Y? The Attorney General. Yes, my Lord. (The letters marked Y were handed to the Witness, who examined the same.)

The Witness. Yes.

Will you be kind enough, as near as you can, to tell me about the time that she showed you those letters?—One of these: these letters, I believe, came to us after we returned from Harrowgate; we returned on the 23rd of July, 1844.

You returned from Harrowgate after the 23rd of July, 1844?—On the 23rd.

And those letters were received after that date?—Yes, a week afterwards: we returned on the Tuesday, and one of these letters came on the Wednesday, and one on the Friday.

Give me those back again, if you please. (The letters Y were handed down.) Did you see how these letters were received?—I was not at home at the time they came. I returned in the evening as they were received in the day, sometime during the day.

Upon each occasion; on each occasion, when these letters were received, you were absent from home during the day?—Yes.

And returned in the evening?—Yes.

And in the evening your daughter showed you these letters?—When I returned she showed them to me.

And told you that she had received them in the course of the day?—Yes.

Besides these letters which you have seen, and which your daughter shewed you from time to time, did you see other letters? There have been letters numbered 1 to 10, and two other letters A and B upon them, making twelve letters in all.—I do not know the number.

You cannot tell us whether your daughter ever shewed you more letters as having been received from Lord Ferrers?—No, I think not.

Try again and recollect whether she did or not?—I believe you have the whole of the letters which she received.

Just remember whether there were not other letters. Do you recollect any answer that was sent to your husband's letter?—There was no answer sent more than in Miss Smith's letter, that he had received her papa's letter.

Do you mean to say there was no answer, thanking him for his gentlemanly letter?—Yes, in one of the letters he says, "I received your papa's letter, which was both satisfactory and gentlemanly."

Now that is the very letter I want to see; that is the very letter I want. It can only be 9 or 10, and there is no such expression in either letter.

Mr. Justice Wightman. You know Mr. Smith said there must have been an intermediate letter.

Mr. Crowder. It may be taken it is not in either of these letters.

Mr. Chambers. It is in neither of these letters.

Mr. Humfrey. I have looked through 9 and 10, and it is not in either of those.

You have stated, in the course of the correspondence that took place, that there were two letters that were sent with handkerchiefs in them.—Yes.

French silk handkerchiefs?—I do not know they were French silk, they were French white.

Mr. Justice Wightman. Is that the description of the colour, or of the place where they were made?

The Attorney General. I will suspend the question on that subject for a little; I want to exhaust another.

You have mentioned the different articles that you understood were presents from Lord Ferrers to your daughter?—Yes.

Among other articles, was there a pink silk bonnet?—Yes.

There was a pink silk bonnet?—Yes.

Did you understand that that had been a present from Lord Ferrers?—I did.

When did you learn that that had been a present?— When it arrived.

When was that? I think I can furnish you with the date here; the 29th of June, was it not?—I think it was about that time.

That was long after the time that you knew that those things which had been said to be presents from Lord Ferrers had not been paid for by him?—Yes.

It was long after?—Not very long after. It was afterwards.

You say it was about Christmas time that you learnt about the bills, or the beginning of 1844? this was on the 29th of June?—Yes, it was.

It was some time after you had heard the things had in fact not been paid for, although presents from Lord Ferrers?—Yes, it was.

Had those bills been paid at that time?—They were paid. All the bills?—Yes.

Did you learn from whom that bonnet had been ordered?

—I suppose the bonnet when it was sent——

Do not say suppose.—Then I can say very little, if I am only to say what I saw with my own eyes. I can say very little about the bonnet——

You are not to say only what you saw with your own eyes, but what you heard with your own ears, from your daughter. I am just going to ask you, did you learn from your daughter where that bonnet came from ?—No, she did not say where it came from.

Do you mean to say that she, at no time, told you where the bonnet came from?—No, she did not.

And did you not make inquiries, having found the presents had not been paid for, and you had been called upon to pay for them, did you not make inquiry about the new pink bonnet?—I did not suppose the bonnet was owing for. I understood it had been sent by Earl Ferrers from London.

You understood from your daughter it had been sent by Lord Ferrers from London?—Yes.

When did your daughter tell you that?—Not until the bill came for me to pay for it.

The bonnet coming on the 29th of June, the bill afterwards came in to you, did it?—Yes.

When was that?—Oh, a long time afterwards.

Tell me when?—Well, perhaps three or four months, the Christmas following.

And the bill coming in on the Christmas following, did you inquire of your daughter how it was that the bill came in for the bonnet to you?—I went to Ashby, and paid for it.

We have a great deal to do before we get to Ashby, and before this bonnet is paid for, you may depend upon it. Did you inquire of your daughter how it was?—No, I did not.

You did not ?-No.

Not when the bill came in ?—I do not know that I inquired particularly when the bill came. I supposed the bonnet was owing for.

Will you attend, Mrs. Smith, if you please. When the bill came in to you for this pink silk bonnet, did you inquire of your daughter about it?—Probably I did, because I thought it must be a mistake. I did not suppose it could be owing for.

Did your daughter, upon that occasion, tell you that that bonnet had been sent by Lord Ferrers from London?—No, not on that occasion; she told me that, when she received the bonnet.

Mr. Justice Wightman. That is what she stated just now. Recollect yourself; it is not exactly what you said before. I wish to ascertain how, the fact was. When was it that your daughter told you that that pink silk bonnet was a present from Lord Ferrers, and sent by him from London? was it when the bonnet came, or when the bill came?—When the bonnet came.

Mr. Justice Wightman. It is exactly contrary to what she said before; it was a denial of her stating so when the bonnet came, and she did when the bill came.

The Witness. She told me, before the bonnet came, that he was to send her one from London, and when it did come I did not ask particularly the question. I supposed it was the bonnet that he was to send.

When you made enquiry of her at Christmas, when the bill came in, did she tell you then, that that was the bonnet that Lord Ferrers had sent her from London?—She knew that she had done wrong, consequently she said very little about it.

Mrs. Smith, will you answer my question: do not tell me about your daughter knowing she had done wrong, that is very possible?—I cannot positively say what she said to me then.

I ask you upon your oath, Mrs. Smith?—Well, I tell you the truth.

Do not make your protestations, attend to my question?—Miss Smith was not at home when the bill came in for the bonnet; she was at Siarscote, her grandpapa's. I went over, and the bill was taken to Mr. Hamel, our attorney.

Will you attend to me, the question I put to you, for I must have an answer; I ask you, after that bill came in, whether you had any conversation with your daughter upon the subject of the bill coming in for that bonnet, which she had told you was a present of Lord Ferrers, from London?—Miss Smith did not explain to me the truth of the bonnet, in what way it came.

Did you ask when the bonnet came in; did you make enquiries of her. I do not care whether at Austrey, or Siarscote, did you make enquiry of her?—I do not know; I did enquire; I shewed her the bill, I said "how is this," and she did not make any reply.

Now to that you mean distinctly to say, your daughter made no reply?—No, I do not remember that she did.

Do you mean to swear she did not?—She did not say she had purchased the bonnet herself; she never told me.

By Mr. Justice Wightman. Did she say anything, is the question?—No.

Did she say she had not ordered it?—I do not remember that she said anything.

Why, Mrs. Smith, now just remember yourself, when you asked her about the bill, and shewed her the bill, do you mean to state that your daughter did not deny having

ordered that bonnet?—Yes, she did; she said it must be a mistake.

I thought you told us she made no reply?—She avoided saying much about it.

Mr. Chambers. She said it must be a mistake.

The Attorney General. She said distinctly she made no reply.

The Witness. She said, it must be a mistake.

And that she had never ordered it?—I do not know that she said that.

The Attorney General. You said so.

Mr. Chambers. That is the error my learned friend falls into; her answer was, it must be a mistake.

The Attorney General. I give her every opportunity of saying what she pleases on the subject.

Have you not distinctly upon your oath stated, that she denied that she had ordered it?—She said very little about it, she was conscious she had done wrong, and said very little about the bonnet.

Did she deny that she had ordered it?—Yes.

Mr. Justice Wightman. That is what she said before.

You say that you afterwards gave that bill to Mr. Hamel? - —Yes.

Mr. Justice Wightman. The bill for the bonnet.

The Attorney General. Yes.

When the bill came in you learnt, I suppose, the bonnet came from Miss Wyman, of Ashby?—Yes.

Did you go over to Ashby with your daughter, and Mr. Hamel the attorney?—I did.

Did you remain at the inn at first, until Mr. Hamel went to Miss Wyman?—Yes, I did.

After some short time, did somebody come for you to go to Miss Wyman?—Yes.

And did you and your daughter go there ?-Yes.

Now, perhaps, you will tell us about what time this was; when?—I cannot say precisely what time; about after Christmas.

I believe it was about the 6th of January, 1845?—Yes, probably it was.

Mr. Hamel I believe came for you, did he not?—Yes, he did.

When you came to Miss Wyman's shop, did you say "Miss Wyman-"

Mr. Chambers. The daughter was there.

The Attorney General. Yes.

"Miss Wyman, you have sent me a bill for a bonnet which I know nothing of?"—Yes, probably I did.

Did Miss Wyman say, "Miss Smith ordered the bonnet for herself?"—She did.

Did your daughter instantly deny it, and say she had not ordered it?—Yes, she did; she said it must be a mistake.

Did she deny that she had ordered it?—She denied it in that way, she said, Miss Wyman, you must be mistaken.

Now attend, Mrs. Smith, did she not deny she had ordered this bonnet?—I do not remember that she positively denied it. I remember her saying, "you must be mistaken in the person."

Did Miss Wyman say, "Miss Smith, if you will say that you will say anything?"—Probably she did, I do not remember exactly that. I was very much hurt about it at the time. I do not remember the precise answer.

Now, did your daughter repeatedly deny it?-No.

Now, stop a moment and attend to the question, did she not repeatedly deny that she had ordered the bonnet, and say, if she stood there for hours she would not acknowledge it?—No.

Now you mean to swear that?—I will; I will swear this.

Now the Miss Wymans are here.—It does not signify who is here, there are other persons who were present at the time, who well know the precise words.

Mr. Hamel ?- Yes.

I shall be glad to see him in the box; do you mean to swear your daughter did not deny it repeatedly, and did not she say, if she stood there four hours she would not acknowledge that she had ordered it?—I do not remember any such expression.

Will you swear she did not say so?—I will swear I have no recollection of that expression.

Will you swear she did not say it?—I do not remember it.

Will you swear she did not say it?—No, because I was so affected. I do not remember every word when she denied that; when I found she had the bonnet, I turned to her and said——

We have not got to that yet, we are advancing by degrees.—She said there was a mistake.

I ask you, if you do not recollect this remarkable expression of one of the Miss Wymans—"Oh, Miss Smith, I wonder you are not afraid of being struck dead?"—No, I do not.

Will you swear she did not use it?—I do not remember that; she said something about—"Oh, Miss Smith, how can you deny it."

I wonder you do not remember her saying, "I wonder you are not afraid of being struck dead."—I will not swear she did not. I will swear, I do not remember the expression.

Did you tell your daughter, if she would own to having ordered the bonnet you would forgive her?—Not in the presence of Miss Wyman.

You mean to swear that?—Yes.

I am speaking in the presence; I am now going on with this conversation: you mean to swear, in the presence of Miss Wyman, you did not state to your daughter that, if she would own to having ordered the bonnet, you would forgive her?—No, I believe I did not.

Will you swear you did not?—I do not remember it.
Will you swear you did not?—I should be sorry to swear
anything I have not a recollection of. No, I have not a
recollection of it.

You did say that to your daughter at one time?—No, I did not say anything about forgiving her.

What did you say a short time ago; "Not in the presence of Miss Wyman you did not say this."—I said very little in the presence of Miss Wyman.

I gathered from your answer to me, you had said at another time to your daughter—" If she would own to having ordered the bonnet you would forgive her."—I do not know I ever said it, either in private or public, anything about forgiving her.

What did you mean by saying, when I put the question to you,—"Not in the presence of Miss Wyman?"—I say I might say it, but I do not remember saying it, either pri-

vately or before Miss Wyman.

You will not swear you did not say it in the presence of Miss Wyman?—No; I do not remember the conversation; I was too much hurt then; I turned to her, and I said, "My dear, if you bought the bonnet here, say so;" and we walked out of the shop; she looked at me, but never spoke.

Did Mr. Hamel tell your daughter in the presence of the Wymans, that he was afraid she was deceiving herself, and that she must have forgot it?—Very likely; but that I cannot speak to.

Do you recollect Miss Wyman showing the piece of silk from which the bonnet had been made?—No, I do not.

Will you swear that she did not?—No, I will not swear that she did not, nor do I remember that she did.

Your memory seems to be defective about this time; it perhaps was getting bad; did it about the latter end of 1845?—I do not know; my memory is never particularly good. She might say something about a piece of silk, but I do not know; I was too much agitated, and too much hurt to remember it.

Did you say to Miss Wyman that your daughter had received a bonnet on the 29th of June, of the same kind as Miss Wyman had described to have sent, but that it was a present to her daughter from a noble individual; and that there were two notes in the box?—I believe I did.

Mr. Justice Wightman. Let me take that.

That she had received a bonnet on the 29th of June, of the same kind that Miss Wyman had described to have sent; but that it was a present to her daughter from a noble individual: and that there were two notes in the box.—I only said one note in the box. Do you mean that there were one or two notes you said there were in the box?—Only one note; one note in the box.

Was there a note in the box?—Yes, there was.

Where is it?—I do not know.

There was a note in the box, but you do not know where it is; did you see it when the box was opened?—Yes, I did.

Did you assist in opening the box?—No, I did not.

What do you mean by saying, you saw it when the box was opened?—Miss Smith opened the box herself.

And were you near at the time she was opening it?—Yes.

And you say that there was a note in the box?—Yes.

And what has become of that note you do not know?—No.

When did you see it last?—I cannot say; it has not been in our possession.

Did your daughter say it was a note from Lord Ferrers?

No, it was a note purporting to be from Mr. Devereux Shirley.

You saw it did you ?-Yes.

And there was a note in the box purporting to be from Mr. Devereux Shirley?—Yes.

Only one; what did you do with that note, or your daughter?—I cannot say what she did with it.

Have you ever seen that note since that day when the box was opened and the note taken out?—Yes, I have.

When was the last time that you saw that note?—No, I cannot say when was the last time.

Have you seen it frequently?—No, not frequently; but I have seen it since.

You can give me a notion of about the last time you saw the note that was in the bonnet box, purporting to come from Mr. Devereux Shirley?—Some time afterwards; it was with the other letters.

Was it handed to Mr. Hamel with the other letters?—Yes, it was.

It was neither of those, I suppose, which I have shewn you, purporting to come from Mr. Devereux Shirley; it

was another, was it (handing the letters to the Witness marked Y)?—No.

Neither of those?-No.

By Mr. Justice Wightman. Neither of those, is that so?—Neither of those.

The Attorney General. I think, on Saturday, you shewed a third letter of Mr. Devereux Shirley; I have no objection to put that into her hand, and ask.

Mr. Chambers. I do not know that there was another.

The Attorney General. There was a third.

Mr. Justice Wightman. There was a third letter.

The Attorney General. If my friend will give me the third letter, I will put it into the witness's hands.

Mr. Chambers. I am not aware of any third letter.

Mr. Justice Wightman. It was marked at the time.

Mr. Chambers. Those were the marked letters; I certainly was not here the whole of Saturday, but I am quite in error if there were ever more than two letters alluded to or shewn from Mr. Devereux Shirley.

Mr. Justice Wightman. Oh, yes.

The Attorney General. I think another letter, purporting to be that written by Monks.

Mr. Humfrey. What is the letter Z Z?

Mr. Justice Wightman. Another letter shewn to the witness; I believe this is the letter, signed Devereux Shirley, which was also shewn to me.

Mr. Humfrey. That is the third.

Mr. Chambers. What witness?

Mr. Justice Wightman. It was William Perkins.

Mr. Chambers. Is that it? It was during my absence.

The Attorney General. I do not know it; I do not want to deal unfairly with you; Mr. Hamel would know which it was.

Mr. Hamel. I do not think that is it (A letter marked Z.)

Mr. Chambers. There is Z Z, that is another; that is not it.

The Attorney General. I understood it was marked with Z.

Mr. Justice Wightman. The letter signed Monks, was marked with double Z.

Mr. Chambers. Here that is; I am looking for it; I will do my utmost.

The Attorney General. It is most important, before I proceed, I should have that letter.

Mr. Symons. I examined Perkins.

The Attorney General. I want, I am sure, not to take my friend at all by surprize; he said he was not present on Saturday, when this took place; the letters marked Y were kept apart; the two letters from Devereux Shirley were kept apart.

Mr. Justice Wightman. Perkins said this, "I have seen three letters, purporting to be from Devereux Shirley; then another, a third letter," for he denied the two were the only ones that were shewn to him; and then a third letter was shewn him, "I believe this was the letter signed Devereux Shirley, which was also shewn me with the two others; that letter I have put is marked Z; I believe this one of the letters marked Y, I thought more like than that signed Monks," and then this of Monks was marked Z Z.

Mr. Humfrey. It arose from his own paper, in which he had written down three letters from Devereux Shirley.

Mr. Chambers. My notion is this, the letter really put in was omitted to be marked with a Z.

. Mr. Crowder. I have this note, the third from Devereux Shirley, Z.

Mr. Barstow. So have I, too.

Mr. Chambers. I have a third letter in my hand, and I believe this was the letter; but if any doubt should remain, perhaps the witness might come in and solve it at once; I believe it arose from omitting to put the letter Z on it, that is all.

The Attorney General. I thought I put the letter Z on it myself; I will not venture to say I did, after what my friend has said; I do not think that is the letter.

Mr. Chambers. This is the only one I can find, or have any notion of; it was marked in pencil C, for another purpose; I am told this is the one; this is the one that I took

out of an envelope this morning; it now lies before me, and the envelope was marked z.

Mr. Justice Wightman. Then it was the wrong envelope, I am quite sure.

Will you be good enough to look at that letter O, and tell me whether that was the letter which came in the box, purporting to be from Devereux Shirley (The Witness reads the same)?—It is not the letter.

Then there is a fourth.

Mr. Chambers. No, that does not follow.

The Attorney General. I think it does, very naturally.

There was a note from Mr. Devereux Shirley in the box, in the bonnet box; it is neither of the three I have already shewn, but it was delivered to Mr. Hamel with the other letters?—I believe it was; it might be lost.

Mr. Justice Wightman. Am I to take that as the letter marked Z.

The Attorney General. Unless Z happens to be found.

Mr. Justice Wightman. I will adopt it as Z now. Mr. Crowder. It is de bene esse.

The Attorney General. I mark that Z with a D.

I understood you distinctly to say, that letter which was in the box, and which you saw taken out of the box, was neither of these three letters which you have had in your hands?—No.

And you believe the other letter was delivered to Mr. Hamel with the rest of the letters in this case?—I believe so.

Mr. Chambers. She said it might have been destroyed. The Attorney General. Any of the letters might have been destroyed.

Pray did your daughter ever explain to you how it happened that a note from Devereux Shirley was in this bonnet box that came from the Miss Wyman's?—Yes, she did.

Now, then, "Miss Smith to explain?"—Earl Ferrers told my daughter he would send her a bonnet from London.

This is what your daughter told you?-Yes.

Earl Ferrers told my daughter that he would send her a

bonnet from London?—Yes; but he afterwards found it was inconvenient to do so, and wished Miss Smith to purchase one at Ashby; and as she had told her papa and mamma the Earl would send her one, she was to tell us that he had sent it; she was to purchase it at Ashby, and she refused to do that, and Mr. Devereux Shirley said——she said she would not do it, unless he would write a note to satisfy her papa and mamma.

By Mr. Justice Wightman. "She told me that Earl Ferrers told her he would send a bonnet to her from London, but as it was inconvenient to do so, he wished her——what?—He wished her to purchase it at Ashby.

And what?—Which she said she should not like to do that as she had told her papa and mamma he was to send one.

That Lord Ferrers would send one?—He wished her to purchase one, and to signify to us that he had sent it.

And tell us he had sent it? I understood you to say she refused, unless Mr. Devereux Shirley ——?—Yes, she refused, unless Mr. Devereux Shirley would write a note to signify that; to signify the bonnet was sent from London.

Well, anything more?—No; I believed when I saw the note and the bonnet that it did come from London.

By Mr. Justice Wightman. I thought the note was taken out of the box?—It was taken out when it arrived at Austrey.

By Mr. Justice Wightman. But still, how did it get into the box?—Mr. Shirley gave Miss Smith the note to enclose in the box.

Devereux Shirley gave Miss Smith the note to enclose in the box; this is all that your daughter told you?—Yes.

Did she tell you when Mr. Devereux Shirley had given her the note to put into the box?—Yes; she said at Ashby.

By Mr. Justice Wightman. That he had given it to her at Ashby.

Did she tell you this? now we have got the note from Mr. Devereux Shirley; did she tell you how this note got into the box from Miss Wyman's?—The note was not in

the box at Miss Wyman's; it was put in after it came into our house.

Mr. Justice Wightman. "She had put it in after it came into our house."

Your daughter told you, we are always speaking in your daughter's name, your daughter told you that the Miss Wymans did not put it into the box, but she contrived to slip it in at Austrey?—She did not mention Miss Wyman's contriving.

Mr. Justice Wightman. No! no!

The Witness. My daughter, I believe, put the note into the box.

You believe ?-I did not see her put it in.

But you saw the box opened; who opened the box at Austrey?—I believe the box arrived the evening before, this was in the morning I saw it, and no doubt she opened the box and put the note in. It was merely to deceive.

To deceive who?—Her papa and mamma.

And it had that effect, had it ?-Yes.

You were both deceived ?-We were.

When did you get all this explanation from your daughter?—Not until I went to Ashby.

To Miss Wymans?-Yes.

Then, after you left Miss Wymans, the conversation having taken place which you have partly related, did you go to the inn?—Yes.

Did your daughter then, at the inn, tell you all you have been telling us?—She admitted very little, but I saw from her manner that she was very much distressed.

Did she tell you what you have told us now about the contrivance to deceive you and her papa?—Yes, she did.

At the inn?-Yes.

She could not have told you very little if she told you all that you have been telling us; she told you all this did she?—She might not have explained every particular at the inn but she did afterwards.

At the inn?—I am not sure she admitted every single thing at the inn, as I said before, she was too much distressed and hurt to say much.

Did she tell you of this contrivance between her and

Devereux Shirley to impose on you and her papa?—Yes, she did.

Now, after this did you send down to pay for the bonnet in the course of that day before you left Ashby?—I do not know, I left it to Mr. Hamel.

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You left the matter then to Mr. Hamel. Did you desire Mr. Hamel to pay?—No, I did not desire anything about it; Mr. Hamel acted as he thought proper.

Did you learn that he had paid?—I neither learnt; yes, I believe it was paid for; I was not present when Mr. Hamel paid.

I did not ask you whether you were present or not, I ask you whether you learnt from Mr. Hamel afterwards that he had paid for this bonnet?—I do not know that I did.

Do you know whether it is paid for or not?—Yes, I believe it is paid for.

Why do you not know it is paid for?—I have not the bill and I did not pay for it.

How do you know it is paid for?—I do not know, I suppose it is paid for.

What makes you suppose so?—Mr. Hamel and Mr. Dews were both there, and they said they would see to it, and I left the shop.

Did you learn afterwards they had seen to it and paid it?—I did not ask any question about the paying.

Did you learn, whether you asked the question or not, did you learn from them, or either of them, that they had afterwards paid for that bonnet?—I cannot say; I do not know.

Mr. Justice Wightman. Then you do not know whether it is paid for or not.

Do you mean to say you do not know whether the bonnet is paid for or not?—I believe either Mr. Hamel or Mr. Dews paid for it; I do not know which.

I am not asking which; do you not know either the one or the other paid for that bonnet?—I did not see either of them pay for it.

Did you not learn from them?—As I never had the bill ——

Did you not learn from them they paid it?—I heard no more about it.

Then what makes you think it is paid?—Because we never had another bill of it.

Do you mean to swear, Mrs. Smith, Mr. Hamel did not tell you it had been paid?—What I say is the truth and Mr. Hamel will confirm it.

Do you mean to swear Mr. Hamel did not tell you the bonnet had been paid for?

Mr. Chambers. Not what Mr. Hamel says.

The Attorney General. It is to go to her credit, it is important.

Mr. Justice Wightman. She states first she believes it is paid, and then she says she does not know.

The Witness. I do not know, because I did not see either Mr. Hamel or Mr. Dews pay it. Mr. Hamel said you had better pay for it.

By Mr. Justice Wightman. You afterwards learnt Mr. Hamel did pay for it, is that so?—I have no recollection of hearing Mr. Hamel say he did pay for it.

Do you mean now to swear, Mrs. Smith——?—Yes.

You are not prepared to swear anything, and therefore you had better hear the question?—But just allow me—

Do you mean to swear you have not learnt from Mr. Hamel that that bonnet had been paid for?—I believe the bonnet was paid for, but I mean to say I do not know whether Mr. Hamel or Mr. Dews paid for it.

Is Mr. Dews a solicitor?—Yes, he is.

Did he go with you and Mr. Hamel to the Wymans?—Yes, he did.

Is Mr. Dews here?—I do not know whether he paid for it, or Mr. Hamel, afterwards.

You cannot tell?—I have every reason to believe it is paid for, but I do not know which paid.

Some time after this did you call on Miss Wyman?—Yes, I did.

How long after ?—Not very long after.

I believe you were there alone?—Yes, I was.

Did you see the two Miss Wymans together?—I saw the mother and one of the daughters, I think, but I am not

sure; I might see all three of them, that I cannot speak to.

Did you say, when you came into the shop, that you could not pass the door without coming in to say how sorry you were your daughter had denied having ordered the bonnet?—Very likely I did.

Very likely?—Yes, I probably did; I do not always remember what I say to people, I was very sorry, certainly.

Did you request that if any one should call to make enquiries about it, the Miss Wymans would not relate the story, or know anything about it until after the affair was over?—I very likely might say I was much distressed about it, and hoped they would not mention it.

Mr. Justice Wightman. But just attend to the Attorney General.

I am putting a distinct expression to you, do not hurry yourself, attend to my questions; did you request that if any one should call to make enquiries about it, that the Miss Wymans would not relate the story, or know anything about it until after the trial was over?—I cannot say that I remember those exact words.

Will you swear it was not to that effect?—No, I will not swear I did not say it, nor can I swear that I did.

Did you not say something to that effect?—Yes, I did say something to that effect; but I did not say anything about the trial, that I am sure.

By Mr. Justice Wightman. That they would not say anything until the matter was over?—That I do not remember.

The matter, affair, or trial, or something of that sort?—I have no recollection of talking anything about the trial, I merely begged they would not mention it.

Until the affair was over?—That I do not know.

Will you swear you do not ?-I cannot speak to that.

Did not the Miss Wymans say ——?—I cannot remember the conversation, my memory is not good enough.

You do not know until you try, give your memory a fair trial?—I cannot say the precise words.

I am not asking you the precise words, if you will be kind enough just to attend to my questions; you cannot

answer them if you do not hear them.—Oh, I will hear them.

Did the Miss Wymans say it was too late, as Mr. Green had heard of it and had been down to them, and they had told him all about it?—Yes, I believe they did.

When they said they had told Mr. Green, did you know who they meant?—Yes, I did.

The Solicitor, the agent in the country ?-Yes, I did.

Did you then say, Mrs. Smith, that you wished the Miss Wymans to understand how it was?—Probably I might, I was in their shop but a very few minutes, a lady came in and I walked out.

I do not care how many minutes you were in the shop?

—I was not there long enough to say much.

Did you say Lord Ferrers was to have brought your daughter a bonnet from London; did you say that?—I might.

Surely you recollect?—I cannot remember.

Something to that effect; did you not begin to explain how the matter had arisen?—Probably I might.

Did you not say that Lord Ferrers was to have brought your daughter a bonnet from London, that he had not done so; but that Mr. Devereux Shirley had met your daughter in Ashby, and told her to order a bonnet?—I do not remember saying so much as that to Miss Wyman.

Do you mean to swear you did not?—I will not swear I did not; but I mean to swear I do not remember.

I am not asking the precise words, but to that effect; did you explain the matter at all?—I cannot think I entered so far into the matter at all.

Try and think.—It is of no use trying, I do not remember that; I might, if you like to say so.

You do not give your memory fair play; do attend.—Do you mean to say you did not enter into any explanation with the Miss Wymans as to how the affair had happened?

—I do not remember.

You swear you did not?—I will not swear I did not, I swear I do not remember the precise conversation, I do not know, I explained to them.

Did you tell Miss Wymans about Lord Ferrers having

promised to send a bonnet from London, and about Mr. Devereux Shirley?—I might.

Did you ?—I cannot speak positively.

Do you not believe that you told them, and made the explanation which I have referred to?—I really do not recollect the conversation that passed.

Do you mean, Mrs. Smith, to swear that?—Yes, I do.

That you did not tell?—I will not swear that I did not; I mean to swear I do not remember.

I will put it all to you, and have a distinct answer to each. I ask you now whether you are prepared to swear that you did not state to the Miss Wymans that Lord Ferrers was to have brought your daughter a bonnet from London?—No; I would not swear that I did, or did not...

By Mr. Justice Wightman. Then you might?—I do not believe it.

By Mr. Justice Wightman. You might?-I might.

Might you also have said he had not done so, but that Mr. Devereux Shirley had met your daughter in Ashby, and told her to order a bonnet, and gave your daughter a note to put into it, in order to dupe Mr. Smith and yourself?—I do not know.

Will you swear you did not?—I will not swear I did not; but I will swear I do not remember.

Or anything to that effect?—I do not remember what I said to them; from what I do remember, I do not think I said quite so much as that.

Did you say nearly as much ?-I do not know.

Did you say the substance of what I have put to you?

—I do not think I did.

Did you mention Lord Ferrers?-I do not know.

Will you swear you did not?—I will not swear I did not, or that I did.

Did you mention Mr. Devereux Shirley?—I believe I did. I said something about it was most extraordinary, for that there was a note from Mr. Shirley in the box.

You told the Miss Wymans it was most extraordinary, for there was a note from Devereux Shirley in the box?—I might say that, but I do not remember.

Did you state to the Miss Wymans, your daughter had

been with her grandfather ever since, for that her father would not have her in the house?—I said her papa was very angry with her.

Did you state that she was at her grandfather's? that her father would not have her in the house?—It was not true, her father would not have her in the house.

Never mind whether it was true or not. I am asking whether you said it?—I do not recollect telling the Miss Wymans her father would not have her in the house. I said her father was angry with her.

Do you mean to swear you did not state she was at her grandfather's?—No, I said she was from home.

Did you then, in addition to that, say that her father would not have her in the house?—No, that I did not.

Tell me whether you believe that to be your daughter's handwriting? (Handing a paper marked 21.) Keep it so. Do you believe that to be your daughter's handwriting? Keep it the side given to you.—I believe it is; it is very like it.

The Attorney General. That is No. 21.

Do you believe that like it, the same side that is marked? (Handing a paper marked 24 to the Witness, who examines the same.) Do you believe that to be hers?—Yes, I think it is.

Do you believe that to be? (Handing a paper marked 20 to the Witness, who examines the same.)—I do not know.

Ay, there is no occasion to read the whole. You will be struck immediately with your daughter's handwriting. You know it familiarly, I should think; why should you read it. Do you believe that to be your daughter's handwriting?—Well, I cannot say positively. I do not know, it is very like it, but it is not so much like as the other.

Do you believe it to be your daughter's handwriting or not?—(No answer.)

By Mr. Justice Wightman. Is it so like, that you believe it to be hers?—Well, I scarcely think it is.

By Mr. Justice Wightman. You think it is not?—I would not swear it was hers.

You are asked to swear as to your belief?—I will not speak to it; I do not know whether it is or not.

You have knowledge of your daughter's handwriting?—But this is not quite like that to me.

I thought you said it was very like?—Yes, but it is not enough for me to speak to it; it is not close enough for me to speak to it. I cannot tell, ladies write so much alike.

The Attorney General. That is No. 20.

Do you believe that to be your daughter's handwriting? Keep it on that side? (Handing No. 22 to the Witness, who examines the same.)—Yes, I think it is.

The Attorney General. That is No. 22, my Lord, which she believes to be hers.

Do you believe that to be your daughter's handwriting? (Handing No. 23 to the Witness, who examines the same.)
—Yes, I think it is.

The Attorney General. That is No. 23.

Do you believe that to be hers? (Handing No. 25 to the Witness, who examines the same.) No, no, keep it on that side.—It is very like her writing.

Do you believe it to be hers?—Yes, I think it is. It is not so much like.

You believe it to be hers?—Yes.

Look at this, this is the one I unfortunately tore? (Handing No. 26 to the Witness, who examines the same.)—Yes, I think so.

You believe that to be?—Yes.

Mr. Humfrey. There are seven; No. 20 down to 26.

I will return to the subject of the handkerchief, which I just touched and quitted some time ago; you say there were two handkerchiefs which were sent in letters at different times, worked with your daughter's hair; but as I understand, one by Mrs. Cann, or Miss Needham then, she is now Mrs. Cann?—Yes, she is.

And the other by the sister of a servant?—Yes.

Can your daughter work ?-Yes, she can.

Well?—I do not know what work you mean; do you mean marking?—Yes.

Yes.—No, she is not fond of it; she did not like to do. it, or she would have done it herself.

She might be a good worker, and yet not fond of work.

We do not call marking, work.

I must put it distinctly, the marking; is she a good marker?—She never marks anything, and therefore I cannot say whether she is.

You cannot tell whether she is a good marker or not?—

No.

Was Miss Needham staying with you at that time?—Yes, she was.

And your daughter asked her, did she, to mark the handkerchief?—She did.

Was that the first of the two that were sent?—No, the second.

Miss Needham was not staying with you when the first was sent?—No, she was not.

If I understand, with regard to the first that was sent, you were sitting at the table when your daughter was writing?—Yes.

And was the handkerchief by her?—I do not know that it was by her, I folded the handkerchief and pressed it and

put it in the envelope.

When you had folded it up and pressed it, while your daughter was writing this letter, did you place the hand-kerchief near her, or where was it?—I cannot speak to where it was exactly, it was in the room.

Did you sit on the same side of the table as your daugh-

ter?—No; I sat opposite to her.

You knew she was writing to Lord Ferrers?—Yes, I did.

In general, I believe, that description of letter is not one that a mamma is permitted to look at?—No, generally mammas do not. She said if I particularly wished to see it I might. I said I did not care about it. I knew it would not be an improper one.

Did you see her fold it up; did you see her fold up her

letter?-Yes, I did.

Not being particularly desirous of seeing it did she press it on you that you might see it?—No, she did not.

She folded it up and put it in an envelope?—I do not know whether she folded the letter or myself; I might have folded it.

Which did?-It is so long since. I believe I doubled it

up because I enclosed it myself. I thought I could do it better than she could.

Now do you perfectly recollect, let us understand, do you perfectly recollect that you folded up the letter yourself?

—I put the letter in an envelope.

Do you recollect whether you folded it up?—I do not think I doubled the letter up, but I enclosed the letter in the envelope.

You do not think you doubled the letter up?—But I might.

Never mind what you might. I am getting a bit of your recollection here. According to the best of your recollection you did not double the letter up, but you put it in an envelope?—Yes.

You have a perfect recollection of putting it in the envelope?—Yes.

You have no recollection whether you doubled it up or whether your daughter did?—I cannot speak of that positively.

The contents of the letter, of course, you did not pry into?—No, but I saw it was a long letter. I saw the name at the top.

What name?—"Dearest Washington."

Then, after it was put into this envelope, did you seal it, or did your daughter?—I sealed it.

Then there was another envelope, a larger envelope, was there not, to receive the handkerchief?—Yes, contained the handkerchief and the letter.

And before the handkerchief was sealed up in that external envelope, did you or your daughter take it up stairs to Mr. Smith?—Yes, I believe I took it up to ask him if he thought it would go safely so.

Have you a perfect recollection of this?—I have a perfect recollection.

Of having taken it up stairs to shew to Mr. Smith to see whether it would go in that envelope?—No; they were put in the envelope before I took them to him.

But to see whether they would go safely?—Yes.

Then, having satisfied yourself on Mr. Smith's judgment, did you yourself seal that envelope?—Yes, I did.

Who did you give it to?—A person of the name of Lees. Have you any post-office in Austrey?—No, we have not. Where is your post town?—Our regular post town is Appleby.

What distance from Austrey?—Two miles.

Generally, when you write letters, how do you send them to Appleby, is there a postman that comes for them?—Yes, there is a postman.

Every evening?—Every morning.

Do your letters go out in the morning?—Yes, they do.

Did you know where Lees was going when you gave him this letter?—Yes, I did.

Where was he going?—To Atherstone.

What distance is that from Austrey?—Six or seven miles.

And was he to put it in any particular post-office?—No, there is only one.

At Atherstone?—Yes, he was to post it.

I meant was he to put it in the post-office at Atherstone; did you give it to him to put it in the post-office at Atherstone?—Yes, I did.

What time of the day was this that you gave it?—In the morning.

Why did you not give it to your own postman?—We did not choose that the direction should be seen at Appleby.

Did Lees see the handkerchiefs put in?—He did, one of them, but I am not sure he did both; he might see both.

Did he take both letters to the post?—He did.

Where did he put the other in?—I think one was at Atherstone and the other Tamworth. He will be able to tell you that.

I want to know?—One went to Tamworth, and the other to Atherstone.

Did you show him the handkerchief put in the envelope?

—I did not show it more than he could see it.

Was he in the room?—Yes, he was in the room waiting for it.

You did not care about his seeing the handkerchief put

in and addressed to Lord Ferrers by your daughter?—I did not.

He knew all about it?—No, I do not know that he did, but he is a confidential person.

And that was your reason for giving it to him, and not to the postman?—Yes.

Why did you not like the people of Appleby to see it?— It was the Earl's particular wish that letters should not be posted at Appleby.

Who told you so?-My daughter.

How do you mean, posted at Appleby?—Put into the post.

How near Staunton Harold is Appleby?—Ten or eleven miles.

How near is Atherstone?—To where; to Appleby? No, to Staunton Harold.—I cannot say exactly.

About?—Fifteen or sixteen miles. I don't know the road, therefore I cannot say.

What distance is it from Chartley?—Atherstone?

Yes.—Thirty miles, probably.

Is Appleby as far, or further?—Not further; it may be the same distance.

Did you understand what difference it made posting it at Appleby or Atherstone?—I do not understand what difference in the time it would make.

No, but in the concealment of the fact, that there was a letter going to Lord Ferrers?—If it had gone from Appleby it would have been known whom the letter was from, as it went from Atherstone it would not be known.

By Mr. Justice Wightman. How would they know that at Appleby?—Because letters are taken and laid on a table, and would have been seen by our postman; he takes very few letters from the village.

Then you did not wish it to be known from whom the letter came?—No, she did not, at least ——

Take that in your hand (handing a packet); open it; I think you will find two silk pocket-handkerchiefs in it, won't you?—Yes.

Do you recognize either of those pocket-handkerchiefs?

—Yes, I believe these were the handkerchiefs.

Which is the one you can point out, that was marked by, Mrs. Cann?—No, I can't say which was marked by Mrs. Cann.

By Mr. Justice Wightman. I thought one was marked better than the other; which is the best marked?—That appears the best marked, (handing one down.)

There can be no striking difference in the marking?—I remember at the time; these have been washed since, and that may have changed the appearance of them.

Still you can tell about the marking: that does not wash out, the mark of hair. (The Witness examines them.)

I want to know which is the one, as you say, was marked by Mrs. Cann, being better marked than the other?

—I can't tell.

However, those are the two handkerchiefs you have been speaking of?—I believe they are, from what I remember; they are very like them. When I saw them they did not appear to me so yellow as they do.

Look at the marking, you can tell; are they marked with hair?—They appear to be.

Do they seem in every respect, except being more yellow, to be the same handkerchiefs?—They seem to be hemmed in rather a neater manner than I thought those were that were sent.

Now, recollect that Mrs. Cann is here. I ask you, whether you have any doubt, whatever, that those are the two handkerchiefs which you have been speaking about?

Mr. Justice Wightman You have said they were.

Mr. Chambers. She said, "I believe they are."

The Witness. I believe they are.

Have you the slightest doubt about it?—I think the colour was rather different.

Never mind the colour.

Mr. Chambers. Surely she is not to be interrupted; she has been interrupted every time she was going to say, "I think the colour throws a doubt on my mind;" and then she is stopped.

Mr. Justice Wightman. First, we are not sure what her answer is. I find great difficulty in taking down an answer that is immediately retracted.

Mr. Chambers. They have been frequently washed since. The Witness. I believe them to be the same; it is possible that two others might have been substituted in their place.

You find these marked with hair and the same pattern?

—The hair was dark.

The same pattern; the same border?—Yes, I believe they were.

You have told us, Mrs. Smith, that, after the letter—— Mr. Chambers. Let them be marked.

The Attorney General. Let them be marked in any way that will identify them for ever.

You say, Mrs. Smith, that there was a letter written by Mr. Smith, after the letter which you say was from Lord Ferrers of the 24th June?—Yes.

Who sealed that letter?—I sealed it.

Where ?—In our dining-room.

How did it go?—We were going to Ashby the following morning, and I took it with me, and put it in the post-office myself.

Over night it was placed in the book-case, was it?—Yes.

What time of day was it put in the book-case?—It was written in the afternoon.

What time in the afternoon?—Perhaps four or five o'clock.

Was it sealed immediately?—I believe it was.

Recollect yourself .- Yes, I believe it was.

Do you mean to swear it was sealed immediately?—I would not swear that, but I will swear that I sealed it.

But whether you sealed it at four or five; or whether it was sealed at eight or nine; are you sure it was sealed that same day?—Yes, I am.

And placed in the book-case?—Yes.

You, and Mr. and Mrs. Holgate, and your daughter, went over to Ashby the next day?—Yes.

Did you yourself put it in the post ?-Yes, I did.

Did you walk out, or stop at the post-office, or what?—I walked. I had several errands to do; and Mr. and Mrs.

Holgate went to look at the castle, while I went to do what errands I had to do.

Did you show this letter to Mr. and Mrs. Holgate?—Mr. Holgate, Mr. Smith read it over to Mr. Holgate.

Did you show the letter in the dining-room; were they present at the time of the sealing of the letter?—That I do not recollect.

Did you show it when you carried it over the next morning?—No, I did not show that, particularly.

Did you show it at all?—No, I do not know that I did.

Why do you say particularly?—I do not remember whether it was seen or not; I put it either in my bag or my pocket, I do not recollect which.

You say afterwards, there was a letter which purported to come from Lord Ferrers, your daughter had shown you?

—Yes.

Speaking of the satisfactory and gentlemanly manner in which Mr. Smith had received the more than his overtures?—Yes.

I think you mentioned some letter that was put into the post by Mrs. Perry; when you were at Siarscote?—Yes.

What letter was that?—That was a letter speaking of the bills.

Was that before or after this letter which you took to Ashby?—I think after. No, not before the letter you were speaking of; do you mean Mr. Smith's letter?

Yes.—It was before Mr. Smith's letter.

Before was it ?-Yes.

How long before?—That was in April.

You say that letter, I think, was put into the post at Lichfield?—Yes.

What distance is Lichfield from Siarscote?—About six or seven miles.

What is the post-town there?—Tamworth would be the post-town for Siarscote.

Is there anybody who calls for letters at your sister's, Mrs. Perrys?—My sister was going.

Is there anybody that calls for letters at your sister's?—No, they always send.

Over to Tamworth?—Yes.

Was there any great hurry for this letter?—No.

Now you say your daughter told you that Lord Ferrers was particularly anxious she should meet him in Wales?—Yes.

And you started off with your daughter as far as Stafford?—Yes.

Could you fix the time of that?—I cannot now mention the precise day, but I believe it was in April.

Where were you to stay? where were you to go in Wales?—We were going to Bangor.

Did your daughter tell you whether you were to stay at Bangor?—We should have gone to the hotel at Bangor.

Did you understand that from your daughter, that Lord Ferrers wished her to meet him at Bangor, and go to an hotel?—Yes, he was visiting friends of his, and was not at an hotel.

Lord Ferrers, you say, was visiting friends of his, who were not at an hotel; who did you learn from your daughter, Lord Ferrers was visiting at Bangor?—I believe the Dean of Bangor.

Did your daughter tell you that Lord Ferrers said he was visiting at the Deanery at Bangor?—Yes.

Then you started off for Stafford; what distance is that from Austrey?—Thirty miles.

Yourself and your daughter; anybody else?—A servantman, and a carriage.

At Stafford you stopped?-We did.

How came that ?—Because it was night.

That is a very good reason; you stopped at Stafford because it was night, and you slept there?—Yes.

You were ready to start the next morning?—Yes.

Did you go?—No, I returned home. I left my young child very unwell, and my sister was just arrived; and as the Earl did not meet us at Stafford, I would not go further.

You had expected, from what your daughter told you, the Earl would meet you at Stafford?—She did not positively say he would meet us at Stafford.

He never said anything to you. Tell us what your daughter said?—Holywell, or some such place.

You understood from your daughter?—That he would be likely to meet us at Stafford.

Did you leave your child ill when you left home?—Not to say ill, but not well.

Had you any account of your child afterwards, when you left home, before you returned?—No, we returned the next day.

Then you left home, leaving your child unwell; and you say you returned home because it was unwell?—No, not exactly; there were two or three reasons: my sister was just arrived, who lived in Oxfordshire, and I thought she would probably be gone upon my return. I was not quite comfortable, going to leave her, and leaving the little child, that was not to say ill, but not quite well.

And the third?—And the third was, that he did not meet us at Stafford; and I said I would not go to him.

Did you learn from your daughter; did she tell you why it was Lord Ferrers did not meet you at Stafford?—No, she did not know herself.

Then you wrote a letter, or your daughter wrote a letter, did she?—She wrote to tell him that we did not proceed; but we returned.

Did you see that letter?—Yes.

Now attend, did you read that letter that your daughter wrote?—Yes, I did.

You read the letter your daughter wrote?—Yes, I did. By Mr. Justice Wightman. At Stafford?—No, not at Stafford, at Siarscote, after we returned.

Oh! after you returned?—Yes.

You returned to Siarscote, and then your daughter wrote a letter?—We returned home that evening, and went to Siarscote the day following.

And then your daughter wrote a letter?—Yes.

And she showed you that?—Yes.

What did you do with it?—Posted it at Tamworth.

You did ?--Yes.

Did you put it into an envelope?—Oh! I do not remember that.

You do not know whether you did or not?—No, I do

not think I did. I think she put it into the envelope, and directed it.

Who directed it?—She directed it; I never directed any.
And you dropped it into the box at Tamworth, did you?
—Yes.

Did she give it to you to do, to put it into the box?—She staid at Siarscote with my sister, and I went round to Tamworth.

Can you tell me when that was?—Not exactly.

As near as you can come to ?—I think in April.

Was it the end of April or the beginning or the middle?

—I can't say.

For anything you can tell, might it be later?—It was in April 1844; I could not tell exactly.

Just recollect whether it was the beginning, the middle, or the end of April, or whether you are sure it was in April at all?—No, I am not quite sure it was in April; to the best of my recollection it was in April.

For anything you can recollect, it may have been in May?—No, it was not in May.

Are you sure it was not in May?—Yes, I think so.

Will you swear you are sure it was not in May?—I would not swear; but why I recollect is, it was cold weather.

It is sometimes cold down to July?—It is in May sometimes, but I believe it was in April.

Will you swear it was not either the 1st or the 2nd of May?—No, I won't swear.

I observe that all these letters, the twelve letters, 1 to 10, and A and B, none of them appear to have come through the post?—No, they do not.

Did your daughter inform you how she got them?—Yes, she did.

Now we will have that if you please; what did she say; how did she tell you she had received these letters?—Atkins, a servant of the Earl's, had put them into her hands.

All of them?—No, not all of them, a part of them.

How many of them?—I can't say how many.

How did the others come, did she explain that; did they

come by the post?—By a person who called himself James; who it was I cannot tell you.

A servant of Lord Ferrers?—We suppose so, but we do not know.

Did you understand from your daughter he called himself James to her?—He said in his letters, "I send this by James."

And James came?—Yes, came.

Do I understand you that you learned from your daughter that all the letters that were not brought by Atkins were brought by James?—Yes.

So that either by James or by Atkins, your daughter received those letters, put into her hands by them?—Yes.

## The Jury retired for a short time.

You have spoken in the course of your examination of a Miss Neville, at whose father's house you and your daughter were when you dressed for the ball at Tamworth; do you recollect at any time shewing Miss Neville some of those letters which have been produced to you to-day in Court?—No, I do not.

Perhaps I may call it to your recollection; do you mean to say positively, that you never did shew her any of the letters?—I have not the least recollection of ever shewing the letters.

I shall, perhaps, be able to call your recollection to it; do you recollect going there with your daughter in the month of January 1845?—I might go at that time.

You might do anything; but I want to know whether you did or not?—I do not remember; I did go to Mr. Neville's, but I do not recollect the precise date.

You did go with your daughter, but you do not recollect the precise date?—No.

It might be about January 1845?—It might be.

Upon that occasion, do you recollect the letters being talked about?—Yes; they were talked about.

These letters of Lord Ferrers ?-Yes.

Do you recollect Miss Neville observing in the presence of your daughter, that the writing was very like your daughter's ?—I believe she did.

Did you observe that it had often been remarked by her family?—I cannot say positively; I might say so.

Did you say that they had often been surprised at the similarity?—I do not remember; I might say so; I do not remember.

They are remarkable words?—I do not remember the conversation; I was much excited at the time.

What excitement was there in talking to Miss Neville? You might have said they have often been surprised at the similarity between the writing of your daughter and that of the letters of Lord Ferrers?—I cannot say that I said so.

Will you swear you did not?—I will not swear that I did or did not; I do not remember.

Do you mean to say that you could have forgotten a conversation of this kind, so remarkable; that it could have occurred and you have forgotten it?—Yes, I do.

Now I ask you whether you did not say that the family had accounted for it, because your daughter when young had in her possession some writing of Lord Ferrers', and that she used to endeavour to imitate it, and try to write like him?—I do not remember.

By Mr. Justice Wightman. You do not remember whether you said that or not?—No, I do not; I do not remember the conversation that passed.

Do you remember having said it?—I do not remember; we have occasionally remarked that in some of the letters there was a striking resemblance, and we could not account for it, without it was that when they were young they imitated each other's handwriting.

By Mr. Justice Wightman. Then you have remarked that?—Yes.

You mean a striking resemblance between those letters of Lord Ferrers and your daughter's handwriting?—I mean to say my daughter's handwriting, and those letters of Earl Ferrers, are very different, but there are some of each of their letters that are very similar.

You may depend upon it you shall not escape from me in that way; I ask you, upon your oath, whether the conversation which I have stated did not take place between you and Miss Neville?

Mr. Chambers. I do not know whether your Lordship has her answer, she said, "We have remarked there was a striking resemblance which we could not account for, except that when they were young they had imitated each others' handwriting."

Did you ever see any writing of Lord Ferrers' imitating your daughter's handwriting?—Before he went abroad, and before she went to school, he sent her a great many notes, letters, or pieces of poetry.

Where are they?—They were destroyed after he went; she destroyed them herself.

Did you see them ?-Yes, I did.

You knew at that time there was an attachment (your daughter had told you) on the part of Lord Tamworth towards her?—Yes, I did know it.

And you saw her destroy them, did you?—No, I did not see her.

Did you tell her to destroy them ?—No, I did not; I was angry with her for destroying them.

Now, upon your oath, did your daughter tell you that Lord Ferrers had had her handwriting, and had imitated it?—I cannot say.

Now then, I ask you whether the conversation I have related to you, which I state took place between you and Miss Neville; I put it to you upon your oath, whether you are now prepared to swear that every word I put to you of it, did not pass between you and her?—No, indeed, I could not swear anything of the kind.

Then it might have passed?—It might have passed, but I cannot remember, I was much excited at the time Mr. Neville told me Mr. Green said it should not rest till he got me into Warwick Gaol. I was much excited, and I cannot remember the conversation.

I will have a clear and explicit answer?—I don't remember the conversation.

I ask you whether you are prepared to swear you did not say to Miss Neville that the family had been often surprised at the similarity between the Plaintiff's writing and the writing of Lord Ferrers, in those letters; but that they accounted for it because your daughter when young had in her possession some writing of Lord Ferrers?—I might say it, but I do not remember positively, I would not swear I did.

Mr. Chambers. Now then, the reason.

I will put the very words, "You might have said, it had been often remarked in the family, and they had often been surprised at the similarity between Miss Smith's handwriting and the writing of Lord Ferrers' letters; but that they accounted for it because Miss Smith, when young, had in her possession some writing of Lord Ferrers;" now then, did you not go on to state, that she used to endeavour to imitate and to try to write like it?—No.

That you swear ?—I don't remember saying it.

Do you mean to swear that?—I mean to say I cannot remember the conversation that took place at Mr. Neville's when I called; therefore it is of no use pressing me.

It is of very great use I assure you; you have not the least notion what use it is?—I do not remember.

I ask you whether you did not say that she used to endeavour to imitate it, and try to write like it?—No, I do not say she did; I have no reason to say she did. It was quite as likely that Earl Ferrers should imitate her writing as she should imitate his.

Did you say this to Miss Neville?—I do not remember saying it.

Will you swear you did not?—I swear I do not remember.

Will you swear you did not?-No, I will not swear I did not.

Mr. Chambers. She said, my Lord, the reason she did not remember was, because Mr. Neville had told her Mr. Green had said they should all be put in Warwick Gaol, and she said she was excited, and therefore she cannot remember everything that took place.

Mr. Justice Wightman. That is the reason she did not remember.

The Witness. I did not say that was the reason, but I said I was much excited at the time.

Mr. Chambers. And therefore she can't remember.

The Witness. Mr. Neville had told me, Mr. Green the attorney had said, we should be all put in Warwick Gaol.

Mr. Justice Wightman. While she was going on, she then says that was not the reason.

The Witness. Yes, I say I cannot remember the conversation, for that I was much excited at the time in consequence of what Mr. Neville had told me, which Mr. Neville can speak to as well as myself.

What were you to be put into Warwick Gaol for?—Yes, I should like to know.

Was it not about these very letters?—Yes, we were accused of being forgers.

About these very letters; now I should have thought that would have impressed the conversation on your recollection?—No, that was too strongly impressed for me to think of any trivial conversation between me and Miss Neville.

You call this trivial ?—I did not think that Miss Neville was then coming to appear against me, she was a friend at that time.

Did that make you forget it?—It is immaterial; I have nothing but the truth to state here, and nothing but the truth will I state.

You need not tell us that, for we understand you are sworn to tell it?—I am a truthful woman.

I am glad to find one; being that truthful woman, do you mean now to swear that you do not recollect whether this conversation took place or not?—I don't remember it, I would not swear it, it might or might not, I cannot say.

You call this a trivial matter, a conversation of this kind?

—I did not think at that time there would be this importance attached to it.

And therefore you might have said it?—I might; I cannot say; I don't know whether I did or not.

Is it true: had the family remarked the resemblance between those letters and your daughter's handwriting?—We are quite satisfied that my daughter did not write the letters.

You are a truthful woman; do answer my questions:

have the family been surprised at the similarity between those letters of Lord Ferrers' and your daughter's handwriting?—I do not know that we have been surprised; we have noticed that in the formation of some of the letters there was a similarity.

Has it often been remarked in the family?—Not often remarked in the family; there only happened to be Mr. Smith and myself that could remark it.

That will do for a family; have you remarked it to Mr. Smith, and Mr. Smith to you?—We might have done so.

I want to know whether you did or not, when you say you might, do you mean that you did?—We remarked that there was a similarity in some of the letters; but not the general style of writing.

But did you do more than that without remarking the similarity in some of the letters, did you remark upon the similarity between the writing of your daughter and the writing of the letters of Lord Ferrers?—No, I don't know that we did; I mean to say some of the letters, not the words.

I am asking whether you and Mr. Smith together have remarked the similarity between your daughter's hand-writing and the handwriting to those letters purporting to be Lord Ferrers'?—I don't remember further than this: we might remark that some of the letters were similar, but we were satisfied that the letters were his lordship's.

Did you occasionally account for it between yourselves, you and Mr. Smith, from your daughter having imitated this handwriting of Lord Ferrers?—I should rather say that Lord Ferrers has imitated my daughter's handwriting.

I know you would much rather say it?—And I believe it so.

Did you and Mr. Smith together account for it from the circumstance of your daughter having imitated Lord Ferrers' handwriting?—No, I don't know that we did.

Will you swear you did not?—I will not swear I did not; we did not account for anything of the kind.

Then you did not?—No; we were satisfied she had not written the letters.

You did not talk together on this subject; or account for the resemblance you saw in this way or any other?—We could not.

Did you; on your oath did you?—I do not remember that we did; we were surprised that there should be any similarity whatever, as there was in the formation of some of the letters, which, if you will examine the writing, you will perceive.

By Mr. Justice Wightman. But you are asked whether you accounted for it?—We could not account for it in any other way, than that from children, or from very young, they had been in the habit of writing to each other. I believe in the early part of it she never wrote to him.

She never wrote to him?—Not in the early stage of it.

Not till after a late period?—Not till his return from abroad.

Then would you condescend to inform us how he could have imitated her handwriting?—I don't know.

If she never wrote to him before his return from abroad how could he?—I do not know; she might; not to my knowledge.

He had written a great deal to her?—Yes.

Poetry notes and little scraps of paper you have seen repeatedly?—Yes.

And you were very angry with your daughter for having destroyed them?—Yes.

Then, knowing that your daughter had not written to Lord Ferrers before he returned from abroad, how was it that you and Mr. Smith, over the fireside, could have supposed that he had been imitating her handwriting?—She had written many letters to him before we had any reason to suspect or notice it.

When do you know of any letter having been first written by your daughter to Lord Ferrers?—We never thought of looking for the similarity till it was reported she had written the letters herself.

Now you are evading the question I put to you?—I do not evade it.

Then you are not answering it, which is pretty much the

same thing?—I cannot answer all your questions, it is impossible.

I am asking you when you first saw or knew of your daughter having written any letter to Lord Ferrers?—The correspondence never commenced till the year 1844.

As the letters began (Lord Ferrers' letters) in 1844, and your daughter had never written to him till after his return from abroad, I want to know how you and Mr. Smith could settle it together that Lord Ferrers had been imitating your daughter's handwriting?—We could not tell whether she had imitated or whether he had; of course we could not account for it.

Knowing, as you did, that he had written a great deal to her before he went abroad, and that she had never written to him?—She never told me she had not written, whether she had or not I do not know.

I understood you to say she had not?—I cannot tell.

By Mr. Justice Wightman. You said you believed she never did?—I believe not.

Will you be kind enough to explain how it was that you and Mr. Smith could talk about Lord Ferrers imitating the handwriting of your daughter, when you believed that your daughter had never written anything to Lord Ferrers before his return from abroad?—I do not know that Mr. Smith and I did talk of his imitating her handwriting; we could not account for it.

Then you could not account for the resemblance?—No, we could not. Many persons would say there was no resemblance; let the Earl's be shewn, and then judge.

Are those persons coming to say there is no resemblance?

—I cannot tell you that.

You and Mr. Smith did not say so?—I do not say that there is, and I do not say there is not. I say some of the letters are formed similar. I mean to say this, that Miss Smith would not write such a letter as the Earl writes.

You will not swear you did not say it to Miss Neville?

—No, I can't speak to the conversation that passed. If you like to believe Miss Neville do.

It is not for me to believe or disbelieve any one of the

witnesses; that is for the jury?—Miss Neville may remember it better than I do, but I do not recollect it, I have suffered too much in the affair to remember everything.

Let us understand perfectly what you mean to say, you never saw Adkins or James, did you?—No, I never did.

Only heard from your daughter?—I have seen Adkins often, but I never saw him bring letters.

Never saw Adkins or James deliver a letter?—Never saw them deliver a letter to Miss Smith.

Did you ever see Mr. Devereux Shirley?—I do not know him, except that I saw him, when a boy, about thirteen.

The Attorney General. I do not know whether this might be the convenient time for me to make an application to your Lordship, we have endeavoured to obtain, through a judge's order, a sight of these letters which were to be produced, of course, as the action was not brought upon them, the judge very properly refused to allow it, and we have not seen the letters until they were produced in Court, except the attorney. Then there was a notice to inspect and admit the handwriting. The attorney was allowed to see merely the beginning of the letters, not to read the letters at all; and therefore we have had no opportunity of shewing them to the witnesses, and enable them to say whether they believe them to be Lord Ferrers' handwriting or not. We have a variety of witnesses in attendance, perfectly familiar with Lord Ferrers' handwriting; we wish to be permitted, in the presence of any body on the other side, to have those letters shewn to them, that they may be able to say, when they come into the box, that they have examined them. All their witnesses have had the letters shewn to them, but our witnesses have If that is not so, when they come into the box, they will have to look over the letters for the first time.

Mr. Justice Wightman. Do you object.

Mr. Chambers. This seems to be rather an unusual application, and in this very singular case, I certainly should not be prepared to acquiesce in the proposed arrangement, for this appears to me to be a case in which the same course might have been taken long ago. I will put your Lordship in possession of my view of it, it may be an incorrect one;

it is quite clear that on the other side there has been an opportunity of inspecting these letters; this is equally clear that to our attorney no application has hitherto been made by the opposite attorney attending with persons who knew the handwriting, to permit those persons to look at them.

The Attorney General. You are quite mistaken, application after application has been made, and we have applied to the judge to allow us; and it was opposed.

Mr. Chambers. Before we can have argument, we must have facts. I am instructed that that is not the case, and that there is an error in the instructions of my learned friend. Only let us get at the facts, then I will proceed with my argument.

Mr. Justice Wightman. Now, Mr. Chambers, state what

you were going to state.

Mr. Chambers. Then, my Lord, it does not appear the slightest objection was offered to the attorney, for my Lord Ferrers, looking at these letters. At present, it does not appear that any person has attended the office of the attorney of the Plaintiff for the purpose of looking at those letters, so as to be able to see whether they were, or were not, genuine. Now, at the last moment, your Lordship is requested at Nisi Prius to permit them to take witnesses for the purpose of inspecting those letters. I apprehend that is a most unusual course; that if they have witnesses that know my Lord Ferrers' genuine handwriting, it is but right that they should call those witnesses, and let the jury hear what they say, instead of rejecting, or taking one or the other.

The Attorney General. We intend to do so.

Mr. Chambers. What I wish is this, it is a very important, and a very strange, and a fearful case, as far as the Plaintiff is concerned; that if there are witnesses who know the genuine handwriting, like Major Majendie, they should be permitted to stand and take those letters into their hands, and say "upon looking at those letters I say yes or no;" and that yes or no should be heard by the jury, instead of giving them the advantage of inspecting, considering, examining, and comparing those letters, for

the purpose of becoming a witness or not, as they shall think proper.

Mr. Justice Wightman. I think the most convenient course would be this, to allow it to be done upon an understanding that all those who do look at the letters should be at least put into the box, to say as to whether they believed the letters or not.

The Attorney General. I am quite prepared to abide by that issue. It is quite fair. I interrupted my friend, and I said, "I mean to call them."

Mr. Justice Wightman. That none should see, but those you mean to call.

The Attorney General. It is an advantage that the Plaintiff will possess over us, that she may have shewn the letters, or her Attorney, to other persons than those that are called.

Mr. Chambers. Before any final decision is come to on this subject, it is not a matter of momentary necessity, and I am desirous I should not, representing the Plaintiff in this very important and fearful case, make any concession, and perhaps your Lordship will permit me to consult the Solicitor General, who really may be consulted before any direction is given.

Mr. Justice Wightman. I think that reasonable, no doubt; that you may do; it need not be done now.

The Attorney General. I did not make any application before, because I thought the letters would be wanted. I considered this was the last of the witnesses to whom the letters would be shewn, therefore I made my application at the first moment.

Mr. Chambers. If your Lordship will let it so stand, if on consultation with the Solicitor General, there is no objection, it shall be done.

Mr. Justice Wightman. Yes, I think that is reasonable.

## Mrs. Smith, re-examined by Mr. Chambers.

First tell me who are Mr. and Miss Neville?—Mr. Neville is an attorney residing at Tamworth.

Do you know whether he is any agent or friend of Mr. Green's, the attorney for my Lord Ferrers?—I cannot tell.

You were in the habit, I believe, of visiting Mr. Neville?

—Occasionally.

Mr. Smith, I suppose, did not visit?—Never.

Niss Neville used occasionally to visit at your house?——Occasionally.

Had you gone over on a mere accidental call or visit, when any conversation occurred about the handwriting?—It was merely an accidental call.

I think you said that before that, you had heard it asserted that the letters were forgeries?—Very soon after the action commenced.

Did Mr. Neville inform you in that conversation that Mr. Green had been with him?—Yes, he did.

Had he said anything about Mr. Green suggesting that the handwriting was like your daughter's?—No, he did not.

Can you recollect now, so excited as you were, how the conversation began?—I do not recollect anything particular more than Mr. Neville said: I believe that Mr. Green had said it was a conspiracy, and that the letters were forged.

What was it that was said about gaol?—Mr. Neville told me Mr. Green said it should not rest until he had got myself and my daughter in Warwick Gaol.

Whatever it was that occurred between you, Mr. Neville, and Miss Neville, on that occasion, was it in a friendly conversation?—Quite so.

As to the similarity that you yourself say you had noticed, is that confined to certain letters in the handwriting?

The Attorney General. I must object to my friend's putting these very words, and hope he will recollect that she is his own witness.

Will you again state, distinctly and slowly, in what respect you thought your daughter's handwriting resembled Lord Ferrers?—Some few of the letters we thought were similar to his; of the letters, not the words, but some few of the letters.

The alphabetical letters?—Yes.

With respect to the style and character of the hand-writing, did they resemble?—Not at all.

With respect to the style of the composition, did they resemble your daughter's?—Not at all.

What is your belief now, as to those ten or twelve letters being in the handwriting of your daughter; do you believe them to be so or not?—I do not believe it; I am sure they are not.

When did you first learn, for a certainty, that your daughter had written to my Lord Ferrers?—The first time she wrote to him was after he had hurt his hand; she was at Derby; wrote a few lines, and put it into the Derby post-office, merely to say how sorry she was he had hurt his hand.

By Mr. Justice Wightman. As she told you?-Yes.

I think you said before he went abroad, and before your daughter was sent to school, you had seen scraps that he had written?—Yes.

From time to time?—Yes, I did.

Did she or not tell you whether she had answered those scraps?—No, she never said that she had, and I do not think she did answer them. I do not mean to say that the Earl was not in possession of any of her writing. In a general way, she did not reply to his notes, but still he might possess her writing.

She was very young, I believe, when my lord went abroad?—She was very young.

Had you looked at the letters, so as to discover what you considered to be a similarity in particular letters, before you heard the rumours of the forgery?—No, I never thought of such a thing.

It was after that that you examined them?—Of course. An action would never have been commenced, if we had been satisfied that she had written them.

Then it was with a view of satisfying yourselves, in order that the action might be commenced?—Yes.

Did the comparison then take place, or, at least, examination take place, with reference to the letters of 1844?—Yes.

The Attorney General. I do not think, Mr. Chambers, you gave us the date of that letter; you said there was a letter posted at Derby, and that is quite new.

Mr. Chambers. That is quite new.

When was this letter, according to your recollection, posted at Derby?—It was soon after his return from abroad. He did not write to her for some time. He used to see her.

By the Attorney General. Do not tell us he used to see her; you never saw them together?—No.

By Mr. Justice Wightman. That is as she told you?— She was seen to post it by other persons, and I was told she did.

Some questions have been asked you about preparing for the intended marriage; Mrs. Lees of Appleby was the milliner or mantua-maker?—Yes.

Do you know whether Mrs. Lees is here?—No, I do not.

You have not seen her ?-No.

A question has been put to you, whether your daughter had shewn you any letters in which Lord Ferrers expressed a wish to marry her at any particular time; letter No. 4 I wish you to look at, and No. 6 also.

Mr. Justice Wightman. I do not recollect that question being put; but whether he had wished preparations to be made ——

Mr. Chambers. My friend has copies of these letters; the passage in the letter No. 4, is this, "Adieu, dearest and best, take every care of yourself, and let each thing you want be in a state of preparation;" that is in letter No. 4. This is in No. 6, "Unless your mamma pleases, she need not finish your bridal attire; all can be procured in London, or rest till I come. As for your cousins, —but my head aches from vexation, never mind them."

The cousins were to be the bride's maids, were they?—Yes.

The Attorney General. "Never mind them," —— Mr. Justice Wightman. That is the cousins.

The Witness. Allow me to say they declined; they did not consider themselves eligible persons.

They declined, did they?—Yes.

You have been asked also whether you told, whether you told Mr. Echalaz of what had been going on between your daughter and Lord Tamworth?—No, I never did.

What was your reason for not acquainting him?—We were not on friendly terms; we were neither on friendly nor on visiting terms.

I believe Lord Tamworth, or Lord Ferrers as he was then, did not return to Mr. Echalaz as a pupil after he came from abroad, did he?—No, he did not.

A question also has been asked, whether you saw Lord Tamworth, and why you did not mention it to him; what was your reason for not speaking to Lord Tamworth himself?—As I had never spoken to him, I had not presence of mind to ask him what his intentions were.

Had your daughter made any communication to you which prevented you from doing it?—No, I do not know that she had. He frequently told her he should take an early opportunity of seeing her mamma, but he never did.

By the Attorney General. That is, she told you so?—Yes, she told me.

The Attorney General. Be good enough to say, "My daughter told me so."

Were you in expectation that he would make the first advances?—I was.

And that he would come to Austrey?—Yes; as he was away for two years, I supposed, from his renewing his attentions, that he was sincere in his attachment.

With respect to the jewellery, books, and dress that your daughter represented Lord Tamworth was to make her a present of; do you recollect a letter being written on the subject of those?—I do.

You have mentioned that a sum of £100 was borrowed from your father?—Yes.

After the payment had been made, were you shewn this letter some time or other (handing a letter to the Witness, who examines it)?

Mr. Justice Wightman. What letter are you speaking of?

Mr. Chambers. Letter No. 5; the passage I will pre-

sently refer to; "For the more important part of your letter, those bills, shortly after I come home I shall have the pleasure of reimbursing your grandfather or father for so paying of them.

The Attorney General. The whole of these letters, by and by, will be read; I do not know why my friend selects particular passages to read at this moment; it is not the

regular course.

Mr. Chambers. If you object, I won't do it.

Mr. Justice Wightman. The only object I thought Mr. Chambers had was to refer the witness to the date of some communication, otherwise it is of no use to shew that what she stated might have been induced by something in the letters.

That is a letter of the 30th of April?—Yes, this I remember.

That does refer to the circumstance of the payments having been made?—Yes, it does.

With regard to the man Adkins, where did Adkins live?

—He lived at Appleby.

What is Adkins?—He occupies a little land.

Has Adkins a wife?—Yes, he has.

Do you know of any of the letters having been delivered to Adkins' wife, or was anything said about any of the letters being delivered by Adkins' wife?—I never saw her deliver any, but I believe she brought one letter.

Did your daughter mention her as having delivered one? The Attorney General. My friend will forgive me, but she distinctly said she heard from her daughter that all the letters that had not been delivered by Adkins had been delivered by James.

The Witness. But I must beg pardon, I quite forgot that one.

Look at those handkerchiefs, and tell me if they appear to have been washed (*The two silk handkerchiefs were* handed to the Witness)?—I believe them to be the same.

You believe them to be the same handkerchiefs that were sent, but do they appear to have been washed (The Witness examines them); if you cannot form a judgment, say so?—

I cannot tell; I thought the border was rather different, but I really cannot speak to it; I thought the colour of the border was more of a lilac; I think it was rather different.

That might have been altered by washing; the colour of the one sent was rather different.

Mr. Justice Wightman. She thinks ----

The Witness. I rather think it was.

With respect to the first bill or bills that came in, have you a distinct recollection of the precise time when you were made acquainted with the fact that these bills had been contracted?—No, not of the precise time.

What is your impression as to the time when it was made known to you, the first bills I am speaking of, upon which nearly £200 was paid?—I believe it was the beginning of 1844 that they were paid.

Mr. Justice Wightman. She says she never saw the bills.

Mr. Chambers. I asked her when she was made acquainted with the fact of their having been contracted; not the bills.

The Witness. I believe the bills were contracted.

The Attorney General. Do not tell us what you believe.

Mr. Justice Wightman. You have her account by which it seems she had no bills.

Mr. Chambers. It is the fact of the bills being contracted; I limited myself to when she was made acquainted with that fact; she says, "I never had the whole of the bills delivered; there was merely 'Bill delivered' sent in, the sum total."

The Attorney General. Only Sales'.

The Witness. And I believe Mr. Thompson's, the book-seller, was; for I never saw a bill of particulars of his.

Mr. Chambers. I only want to know the date of the fact, its coming to her knowledge of the bills, being contracted; whether she has any knowledge of that.

The Witness. I cannot say the precise time, but I believe it was in the year 1844 when I was first acquainted with the bills not having been paid.

Have you a distinct recollection as to when the fact of

the bills having been contracted first, came to your know-ledge?—The beginning of the year 1844.

Mr. Justice Wightman. She said at the end of 1843, or the beginning of 1844 I first knew of the bills.

The Witness. I cannot speak to a month or two.

Mr. Chambers. That was upon the words of the cross-examining counsel; and now I ask as to whether she has a distinct recollection as to the time.

Mr. Justice Wightman. The cross-examining counsel did not give her a date at all.

Mr. Chambers. I have this distinct recollection; he said, "Was it about the usual time at Christmas, when bills were delivered?"

Mr. Justice Wightman. That was at the time she had answered, "It was the end of 1843, or the beginning of 1844;" and then the Attorney General said, "Was that the usual time?"

The Witness. I believe the bills were delivered at Christmas, 1843, but I did not see them.

Then your daughter had sent them to Lord Ferrers, as she said, or had given them over?—She did.

The question I ask is this: when, according to your recollection, were you made acquainted with the fact of the bills having been contracted, not delivered?—Not until the "Bill delivered" was sent to me, directed, "Mrs, Smith."

Not until whose bill was sent to you?—Mr. Sales', I particularly well remember, and a note requesting that I would pay.

When was it you enquired of your daughter about this?

No Answer.

By Mr. Justice Wightman. When was it that Sales' bill came in?—I believe it was in March or April.

By Mr. Justice Wightman. 1844?-1844.

It was in March or April, 1844, that you enquired; was that the first time you knew of these bills?—It was.

Mr. Justice Wightman, This is different from what she said before,

When was it that you visited Miss Wyman, and had the

conversation that has been referred to, was it after the action had been brought to your recollection?—It was.

Mr. Hamel was then your solicitor in the country, I believe?—He was.

The Attorney General. The action was brought on the 9th of August, 1844, and the declaration was on the 7th of November.

Is Mr. Dewes a solicitor also?—He is a solicitor.

A friend and acquaintance of Mr. Hamel, I believe?—Yes.

Did you, after you had seen Miss Wyman, turn the matter over entirely to Mr. Hamel?—I did; we did.

And heard no more, whether the bill had been paid or not?—No, I heard no more about it.

Had you been a customer of Mrs. Wyman's or Miss Wyman?—Miss Smith has occasionally purchased bonnets from her, but I have not.

Mr. Chambers. The action was commenced in August, 1844.

Mr. Humfrey. Yes, the writ is the 9th of August, 1844. When you called on Miss Wyman, Mr. Hamel was with you?—Yes, he was.

What was your object in calling?

The Attorney General. Never mind what her object was.

What did you go there for?

The Attorney General. No; that is what her object was: 'what did you do?

What did you go there for?

The Attorney General. Her object is immaterial; it is what passed.

The Witness. The second or the first time I called; do you mean the second time I called?

The first time.—To know where the bonnet came from.

To make enquiries?—Yes.

Was Miss Smith, your daughter, then stopping at her grandfather's?—Yes, she was.

Upon a visit?—She stays there a great deal.

Was it true, or not, that Mr. Smith, her father, had been very angry?—He had been very angry.

When the first discovery was made about the things that had been furnished, was he also very angry then?—He was, and insisted upon the bills being paid.

Where is the post-office at Appleby; who is the post-

master there?—A person of the name of Haddon.

Do you know whether he is parish-clerk of Mr. Echalaz?—He is.

I believe it is a very small office, his own cottage merely?

—Yes, merely a cottage.

## Mr. John Lees, sworn, examined by Mr. Symons.

Are you a farmer living at Austrey?—I have some land.

I believe you have been long acquainted with Mr.

Smith's family?—Yes.

And are a neighbour of his?—Quite so.

And I believe you have been in the habit of rendering him small services, going on errands for him, and such like?

—I have.

For a long time past?—Yes.

Have you also been in the habit of posting letters for him and his family?—Yes.

Do you remember calling at Mr. Smith's house one day when you were going to Atherstone Market?—Yes.

Were you asked then to post a letter?—Yes.

Can you tell us about when that was?—The latter end of February, 1844.

Who gave you the letter ?--Mrs. Smith gave it to me.

That is the first I am speaking of?—Yes.

By Mr. Justice Wightman. How many have you posted altogether?—Two.

Mr. Symons. Three, my Lord.

The Attorney General. He knows best, and he says two.

By Mr. Justice Wightman. How many have you put into the post?—Two, that I can remember.

To whom was the letter directed?—Earl Ferrers, Chartley Castle.

What did you do with that letter?—I put it into the post.

Where?—At Atherstone.

What sort of letter was it?—It was a large letter, with two or three stamps upon it, I do not know which.

Did it appear to have any thing in it?—It did.

How did it feel, soft or hard ?-It felt soft.

On another occasion did you call when you were going to Tamworth?—Yes.

Were you then asked to post a letter?—Yes, I was.

Who gave you the letter?—Mrs. Smith gave me the letter.

Before you took the letter out of the house, did you do anything else with it?—I went up stairs with it to Mr. Smith, before I took it out of the house.

Were you present when that letter was sealed?—I was, before it was sealed; I was in the room. It was not ready.

Did you see anything put into it?—I saw a white handkerchief in it; they were sealing it up in it. I only saw the top of it in it.

Did you see that it was a white handkerchief?—Yes.

And that letter you took up to Mr. Smith?—Yes.

What did he do with it?—He looked at it, and told me to take particular care of it, and put it in the post.

He gave it you back ?-Yes.

What did you do with that letter?—I put it in the Tamworth post.

Do you remember what month that was in ?—The latter end of March, 1844.

Was that letter directed as the last was?—It was.

When you had the second letter, in which you say you saw the handkerchief put, did it feel like the other?—It was a large letter, and felt like the other.

Did the last letter feel like the first?—It was a great deal like the first, soft.

I believe Mr. Smith's house stands high up, does it not, above the road?—Yes.

Is there a road which runs near it?—Yes, two or three roads near it.

Is that road cut down; is it sunk below the ground round it?—The road, as you go up the garden, is sunk like.

The garden is higher than the road; is that so?—Yes.

I believe there is a cutting, is there not, from the road

up to the house steps?—There are steps from the road up to the garden.

The road has been cut seven or eight feet down since the house was built?—I should think it is six feet.

Is it so that a person might go to Mr. Smith's house, along this road, and up the steps, without being seen by people round about in the neighbourhood; could a person go along the road, and up the steps, so as to be concealed from view?

The Attorney General. If the people were in the garden, or upon the steps, or in the road, they would see him.

Is there any cottage overlooking Mr. Smith's house, any cottage which stands near it?—Yes, there are some cottages round it.

Could any person in those cottages see any persons going into Mr. Smith's house?—They might see them going off the causeway into the garden. They might go up the steps without being seen.

Do I understand you to say that a person might go along the causeway, and up the steps, and into Mr. Smith's house, without being seen?—They could not into the garden.

Could they be seen from the cottages which you tell us were near?—Yes, they might be seen from the cottages going up into the garden.

Is there a private road to the house, through the fields, coming from Appleby?—There is a back road from Appleby.

Is there a wall round the garden?—Yes, there is.

Does this road at the back pass close by Mr. Smith's house?—Close by it.

Is it within the wall?—Yes, a road that they make themselves; not a regular road for people to come to the house.

Might a person go along that private road without being observed?—They might; they might go along there, and not be seen.

The Attorney General. And so they might on the other road, if nobody was there.

The Witness. Yes.

Mr. John Holgate, sworn, examined by Mr. Chambers.

Where do you live?—At West Derby, near Liverpool.

Do you know Mr. Smith, the father of Miss Smith, the present Plaintiff?—Yes.

Were you on a visit at his house about June 1844?—

About the end of June 1844.

Did he shew you a letter purporting to be from Lord Ferrers at that time?—I saw it in his hand, and he read it to me.

He read it to you, you say?—Yes.

Just look at this, and see whether that is what he read to you. (Handing letter B. to the Witness, who examines the same.)

Is that the letter?—The contents of the letter, I believe, are such as he read to me.

Now did Mr. Smith write an answer?-He did.

Did he read that answer to you?—He did.

By Mr. Crowder. Did you see what Mr. Smith wrote?

—I did not. I saw the letter which Mr. Smith wrote to
Lord Ferrers in Mr. Smith's hand.

Was the answer read out to you by Mr. Smith?-Yes.

Is that what Mr. Smith read out to you?

Mr. Crowder. I object.

Mr. Chambers. Mr. Smith said he read it out. If my friend makes an objection, I should like to hear what it is. I am going to ask whether what Mr. Smith read out was this.

Mr. Justice Wightman. That is not what Mr. Smith read out.

Mr. Chambers. First of all, Mr. Smith reads out Earl Ferrers' letter, then I ask him whether Mr. Smith read out his, Mr. Smith's answer, and he says yes. I ask whether, looking at that, that contains what he read out?

The Attorney General. Surely that is not the way of putting the question. It is quite clear that what he read, if he did read it to the witness, has been destroyed.

Mr. Justice Wightman. If he read the draft, that was destroyed; if he read the original letter, it was sent.

Mr. Chambers. Then, according to our notice to produce, I now call for the original letter that was sent.

The Attorney General. I answer to that call, that we, never had any such letter,

Mr. Chambers. Then it is not produced.

Mr. Justice Wightman. You are asking him if that is the letter.

Mr. Chambers. It is usual to say "we do not produce it;" as to not having any such letter, that is an observation. Let my question be distinct, and the objection made. I ask you to look at that first? (Handing the copy of the letter spoken to by Mr. Smith.)

By the Attorney General. Have you ever seen that before?—I do not know that I have.

Mr. Chambers. All my friends are interposing. If I ask an irregular question, then, of course, a regular objection may be taken. I ask the witness to take that into his hand?

The Attorney General. My friend has gone further than that already; he has asked him to look at that, and see whether that is what was read out to him.

Mr. Chambers. My friend says put that away, I say he is not to be ordered to put that away.

The Attorney General. Having read something out to him, it is precisely the same as having said something to him; he can't look at a writing which he never saw before.

Mr. Chambers. First, I say, it ought not to be taken out of his hand by order of the Attorney General; if his Lordship orders it, well and good.

Mr. Justice Wightman. Don't look at it.

Mr. Chambers. Let it be there.

Did Mr. Smith read out his answer to you?—He did.

Can you recollect what he read out?—No, I cannot recollect the express words.

According to your recollection, what was the substance of it?—Giving his consent to Lord Ferrers marrying his daughter.

Did you see him put the letter that he read to you into any envelope?—No, Sir.

You did not?-I did not.

Did you see anybody put it in an envelope?—I did not. The Attorney General. You may go, Mr. Holgate.

Mrs. Eleanor Holgate, sworn, examined by Mr. Robinson.

Are you the wife of the last witness?-I am.

Do you recollect being with him at Mr. Smith's in the summer of 1844?—Yes, I do.

Were you present when Mr. Smith had a letter purporting to come from Lord Ferrers?—I was not.

You were not present when it came?—No.

Mr. Justice Wightman. Mr. Smith has said that Mr. Holgate was present.

Did you see any answer which was sent to a letter to Lord Ferrers about that time?—I saw Miss Smith write a letter to Lord Ferrers.

Did you see the letter when it was written?—I did not read the letter.

Did you see the letter put into any envelope?-Yes.

By the Attorney General. The letter that Miss Smith wrote?—The letter that Miss Smith wrote.

Who put it into the envelope?—Miss Smith.

You were there, were you ?-I was.

Was any other letter put in the same envelope, or only that one?—Only that one, that I am aware of.

You saw Miss Smith put one letter into the envelope, did you?—I did.

Did you see any other letter in the envelope, or not?——
1 did not.

What became of that envelope?—Miss Smith gave it to me, and asked me to post it at Coventry.

What did you do with it?—I could not post it at Coventry; there was not a sufficient pause between the arrival of the train and the Leamington coach; I took it to Leamington, and posted it on my arrival there.

You posted it at Leamington?—I did.

Now I will ask you, if you please, about another letter. I believe you accompanied Mrs. Smith and Miss Smith to Ashby?—I did.

By Mr. Justice Wightman. When was that, the same visit?—Yes.

Was that on the occasion of the same visit you were

paying to Mr. Smith?—Yes.

You did not post that letter yourself, did you, at Ashby? When you went with Mrs. Smith and Miss Smith to Ashby, was there a letter with you?—I do not know. Yes, Mrs. Smith went to put one in the post, but I did not see the letter.

Had you seen the letter before?—No.

Have you seen any letter at Austrey, at Mr. Smith's, the day before you went to Ashby?—I have not seen it.

## Miss Ann Smith, sworn, examined by Mr. Symons.

I believe you are the daughter of Mr. Smith, and the sister of the Plaintiff, are you not?—Yes.

Do you remember Lord Tamworth, when he was with Mr. Echalaz?—Yes.

During that time, had you often seen him?—Yes.

Were you in the habit of going to church at the time, and seeing him there?—Yes, very often.

Do you remember, upon one occasion, your sister being in the drawing-room at your father's house at Austrey?—Yes.

You were told not to go in?—Yes.

Can you tell us about when that was? First of all, what year that was?—In 1843.

You are quite sure of the year?—Yes.

The Attorney General. You are telling us and telling her a great deal.

Mr. Symons. I am not leading as to dates.

The Attorney General. But you are as to important matters.

Can you tell us about the month or the time of the year?

—It was in the spring.

Did you, after that, on that day, pass along the front garden?—Yes.

Did you go along a walk which passes in front of the drawing-room window?—Yes.

The Attorney General. You do lead her very much.

Did that walk pass along the front of the house?—Yes.

The drawing-room window?-Yes.

Did you go along that walk ?—Yes.

As you went along the walk, did you look in at the window?—Yes.

Were you able to see into the room, and to observe who were there?—Yes, I could.

Who did you see standing in the room?—Lord Ferrers standing against the chimney-piece, leaning against it.

Was he leaning then against the chimney-piece ?-Yes.

Did you observe him sufficiently long to be quite certain it was Lord Ferrers?—Yes; I stopped there about five minutes.

Who was in the room besides Lord Ferrers, at the time?

—Nobody.

That you are sure of?—Yes.

Had you seen any one going into the room just before then?—Yes; I saw my sister come into the room.

Is that your sister, Miss Smith, the Plaintiff?—Yes.

Did I understand you to say, you saw your sister going in or come out?—Go in, and then I left,

Was that whilst you were looking in at the window, or just before?—When I was looking in at the window.

Did you then go away?—Yes, I did.

Do you remember on another day since then going into the drawing-room?—Yes.

Can you recollect about when that was; what day it was?

—It was the 9th of December.

What was there happened on that day that makes you remember it?— Austrey Wake.

That is the fair ?-Yes.

What year was that in ?-1843.

The same year as the other time?—Yes.

Did you go, upon that occasion, into the drawing-room?
—Yes.

Who did you see there?-Lord Ferrers at the piano.

And who else was in the room?-Nobody.

What was he doing?—He was playing.

Playing on the piano?—Yes.

Had you heard the piano before you went in ?-Yes.

I believe you went in to tell your sister something about some cakes?—Yes, I told her the Wake-cake woman had come.

She had promised to give you some cakes?—Yes.

And you went to tell her the woman was come?—Yes.

Does your sister play the piano?—Yes, she does.

On going in and seeing Lord Ferrers there, what did he do?—He rose up.

Did you go out of the room, or stay there?—I went out as soon as I saw who it was.

As you came out of the room who else did you see?—My sister.

Is that your eldest sister, your sister Mary?—Yes.

I believe she had some cakes, had she not ?—Yes, some cakes and wine.

Did she give you any cakes?—Yes.

Did she take any into the room?—Yes.

To Lord Ferrers ?---Yes.

Had she anything else besides cakes?—Some wine.

Are you able to say how long Lord Ferrers staid there?
-No, I do not know.

I believe you were afterwards told you would be whipped if you went there again, were you not?—Yes.

Mr. Humfrey. That is both leading and driving her.

Do you know Joseph Adkins, of Appleby?—Yes, I do.

Do you know him well?—Yes.

Do you remember seeing him coming to a field near your father's house?—Yes.

The Attorney General. This is leading.

Mr. Symons. How can I avoid it?

Can you tell us when?-I do not know when.

Somewhere about?—It was when my sister was at Harrowgate.

Did he speak to you?—Yes, he said, "How do you do?" In consequence of what he said to you, you must not tell us what he said, did he make an enquiry of you?—Yes.

What did you say, in reply?

The Attorney General. I beg your pardon, you must not ask that.

And you gave him an answer?—Yes; I gave him an answer.

### Cross-examined by Mr. Crowder.

What age are you ?- I was thirteen last November.

Are you the next to your sister Mary?—No, there is one between.

You say you knew Lord Tamworth?—Yes.

That is a long time ago?—Yes.

How long ago was it when you first saw him?—I saw him when he was at Austrey.

You used to see him at church you say?—Yes.

Did you lose sight of him for sometime?—I always kept my eyes upon him.

That was at church you kept your eyes upon him?—Yes. And whenever you were at church you continued to keep your eyes upon him, did you?—Yes.

All the time that he went to church at Austrey?—Yes.

And you went to church every Sunday ?-Yes.

And he was there every Sunday?—Yes, but once.

And was your sister Mary at church?—Yes.

Do you recollect when he left, when he ceased to go to church at Austrey? When he left?—Yes.

You remember that ?—Yes.

Then you did not see him for sometime, did you?—No.

How long?—I do not know.

How long was it that you did not see him after he left Austrey?—Some little time; I do not know.

A year or two, or how long?—I do not recollect, I do not know.

Can you tell whether it was a year, or two years, or three years; you cannot tell?—No.

The first time you have been speaking of as having seen him in the drawing-room, that was in the spring of 1843; was that the first time you saw him after he had ceased to go to church at Austrey?—Yes, it was.

You say it was in the spring of 1843; what makes you say that?—Because I came home at Easter for the holidays, and I was poorly and did not go again.

Can you tell us what month it was in ?—I do not know the month.

Cannot you tell what month it was ?-No.

You know the spring months, do you not ?-Yes.

Which of the spring months was it?—It was after Easter.

Is that as near as you can recollect, or cannot you tell the month it was, was it soon after Easter?—Yes.

Do you mean directly after Easter?—Soon after.

You cannot then tell the day I suppose?—No.

Can you tell the time of day it was?—It was in the morning.

What time in the morning?—I do not know.

Can you tell ?-No.

Was it before breakfast, or after breakfast?—Oh, after breakfast.

Can you tell at all the hour?—No, I do not know the hour.

Who were in the house then?—Mamma, and my sister, and papa, and my brother, and myself, and my youngest sister.

Where was the sister between you and the eldest?—One of my sisters and brothers went to school at Leicester.

Had you any servant in your house; who was your servant?—Her name was Jane Vowley.

Was there any other servant?—Yes; but I forget her name.

This was the time that you were told not to go in the drawing-room, was it?—Yes.

Your sister told you not to go into the drawing-room?— My mamma told me.

Your mamma told you not to go in the drawing-room?—Yes; but she said I might go in the garden.

Did she say you might go and look round at all?—No.

You might go into the garden, but on no account go into the drawing-room?—No; she said I was not to go into the drawing-room.

Did she say that early after breakfast, or when; how long were you to keep out of the drawing-room?—Oh, she did not say how long I was to keep out of the drawing-room.

Were you going into the drawing-room?—No. Yes, we were going up the hall, and she said, "Anne, you must not go there, but you can go in the garden, and play with your little gardens at the back."

Did she say why you were not to go into the drawing-room?—No; but I guessed.

Did you guess that Lord Ferrers was there ?-Yes.

Did your sister tell you he was coming there?—No; but I found out well'enough.

Your sister did not tell you he was coming there?—No. When you had guessed and found out, then you walked round, did you, to look in at the window?—Yes.

And what became of your sisters then; were none of them to go in the drawing-room?—There was only one little sister at home, and I left her in the garden, and I said I would fetch her some flowers; and so I thought I might look in at the window as I went by.

Did you stand before the window?—No, I peeped in at the corner.

Did you see your sister go into the drawing-room before you went round into the garden, or was it from the corner you saw your sister come in?—It was from the corner I saw my sister come in.

And before you had seen your sister was it that you saw Lord Ferrers leaning against the chimney-piece?—Yes.

I suppose you knew him directly ?—Oh, yes.

You took a tolerable time, five minutes you stood there, you say?—Yes.

What did you see him doing all that time, standing by the chimney-piece?—Yes, he did not move.

He did not move from the chimney-piece?—No.

Leaning upon it?—Yes.

What did your sister do?—As soon as I saw my sister coming I ran away.

He was five minutes leaning upon the chimney-piece, while you were looking in, before your sister came?—Yes.

At this time, you say your little sister was out, where was your brother?—Oh, he was in the field; he was out; he was not in.

And where were the servants; you did not know, I suppose?—Yes, the servants were in the kitchen.

Cannot you recollect the month, or day; the month first, if you can, when this was?—No, I do not remember.

You see it only happened twice; you saw it; you gave us the precise day, the 9th of December, one that you re-collect perfectly?—Yes.

Try and fix the other time as near as you possibly can.

—I cannot remember.

When you say a short time after Easter, you can tell whether it was directly after Easter week?—It was after Easter.

After Easter week ?-Yes.

After Easter Sunday, for instance?—Yes, it was after Easter.

Do you recollect Easter Sunday; can you fix it in that way; how soon after Easter Sunday was it?—I do not know; I do not know which day it was.

Was it one of the days of that same week?—I cannot tell you.

Can you tell whether it was that week or the next week?

No, I do not remember.

Did you stay long at home; you say you were unwell; when did you go back to school?—I did not go back till Midsummer.

Now, the second time you seem to have fixed the date, the 9th of December, you recollect the wake so well?—Yes.

You can tell, I dare say, about the wake; what time of the day it was that you saw Lord Ferrers there?—In the morning.

You mean before dinner time?—Yes.

Can you tell about what time of the day?—No, I cannot tell.

You can tell within a short time; was it about the middle of the day?—Yes.

One or two o'clock?—No, it was earlier than that.

Cannot you tell us?—No; I do not remember the time.

You say they came in with some cakes; you do not recollect the time nearer than that?—No.

You say you are sure it was that day, because of the cakes?—Yes.

You had some of those very cakes that day?—Yes, she promised to buy us some.

You say you saw her give Lord Ferrers some cakes?—I did not see her give any; I saw her go into the room with the cakes.

You saw her go into the room with them?—Yes.

There was nobody else in the room but Lord Ferrers?—No.

At what time do you dine?—Between one and two.

Was it before your dinner?—Yes, it was before dinner.

Was it a short time before your dinner?—I cannot remember.

How long was it that he stayed there?—I do not know. How long did you hear him playing the piano?—I heard the notes of the piano, and I went, and thought it was my sister playing.

Was it after that your sister went in ?—Yes.

Mr. Justice Wightman. She can't say that; she heard the piano, and she went herself, and then went out and met her sister coming in.

How long had you heard the piano before you went in yourself?—Why, I do not know.

You thought it was your sister playing?—Yes.

Had you heard it some little time going on ?—I came running up the hall as soon as I heard it.

And after that, did you see how long they were together?

—No, I went away.

Immediately your sister came?—Yes.

This wake, you say, you recollect; is that a day of visiting; it is a gay day in the country, is it not?—Yes.

You see your friends a good deal on the wake day?— No, we do not; there is a dance in the village.

Did you go, and dance at the village?—No.

Or see the dance ?-No.

You went at midsummer to school, have you remained at home since?—No; I have been to school since.

When did you return home, or are you now at school?—Yes, I should be at school.

On this day of the wake, where was your mother?——Mamma was in the sitting-room,

Is that next to the drawing-room in front?—No, it is not the front; it opens on the side of the house.

And who was there with her besides, anybody?—My youngest sister.

What other people were in the house, your brother?—Yes, my brothers and sisters.

Were they in the sitting-room?—They were at the door, standing.

Do you mean the outer door?—Yes, not the front door.

What door?—Another door, that opens out.

They were standing there?—Yes, there.

They were standing there at the time that you went into the room, were they?—Yes, they were with the wake woman.

And the wake woman was at the door?—Yes, standing.
And the servants, where were they?—They were in the kitchen.

Did they come up to the wake woman?—Yes; no, they did not come up.

Did your mother come out of the sitting-room when the wake woman came?—Yes; they fetched her.

Who fetched her?—My brother.

Have you two brothers?—Yes; my little brother fetched mamma.

What age is your brother ?—He is seven or eight.

And then your mother came out, did she?—Yes.

You came up from the hall at the time they were standing at the door?—Yes.

And then you heard the piano going?-Yes.

What part did your sister come from when she went in?

—From the dining-room, opposite the drawing-room.

You had seen her in the dining-room before, had you, or did you only see her come out of the dining-room?—I saw her come out of the dining-room,

Are the rooms very far apart?—No,

If the piano is playing, can you hear it all about?—Yes, On the first occasion, your mother, you say, was in the house, and told you not to go into the drawing-room?—Yes.

Where did your mother go then?—Mamma was in the sitting-room.

As she was on the other occasion ?-Yes.

#### Re-examined by Mr. Chambers.

Is the door where your brother stood with the wake woman at the back of the house?—Yes, it is.

Mr. Justice Wightman. I thought she said it was at the side.

Mr. Chambers. Does it look into the yard or garden, or where?—The yard.

It is near the kitchen, I believe, is it not?—Yes, it is.

What entrance door is near the room in which you saw Lord Ferrers?—The front door.

Could Lord Ferrers get to the front door in coming from Appleby, without going through the yard?—Yes, he could; there were two ways he could go.

Without being noticed by the people in the house?—Yes.

When you are at the door where your brothers stood, can you see along the passage, so as to see the front door?

—Yes.

Can you see all the way, or is it a crooked passage?— It is a straight passage, only there is a door in the middle.

If that door was open you might see?—Yes; when it is open you can see.

Not when it is shut?-No.

That is the door that shuts off the kitchen and the back part of the house, is it?—Yes.

Now the parkour in which your mother sat was that in the back part of the house, the side?—Yes.

Used you to use a private road to Appleby?—Yes:

Your family did?—Yes.

Would you pass through the back garden, or come round by the wall of the back garden when you come from Appleby, so as to get at the front of the house, if you come by that private road; when you used to come from Appleby, if you wanted to get to your own front door without observation, how should you come?—I should come round to the front gate.

But supposing you did not want to be observed, could you get into the garden by coming that private way?—I should cross over some fields, and come down our fields, and come round our garden to the front door.

Then you could get in without being noticed?—Yes.

You have mentioned that you have seen Lord Ferrers many times at church, and that you had looked at him?—Yes.

Did you see who Lord Tamworth, as he was then, used to look at in your pew?—Yes.

Whom did he look at?—My sister.

When you saw him standing at the chimney-piece as you have stated, was that the first time you had seen him after he had come from abroad?—Yes.

Had you a distinct view of his face, so as to recognize him?—Yes.

Mr. Justice Wightman. Five minutes.

Susan Hopley, sworn, examined by Mr. Robinson.

Were you a servant to Mr. Smith's family when he lived at Alders?—Yes.

At that time, Miss Smith, the Plaintiff, was quite young, I believe?—She was quite young.

After you left the place, and when they got to Austrey, were you in the habit of calling upon them?—Sometimes.

Do you recollect doing so in the autumn of 1843?—I do.

Can you tell the month?—September.

Did Miss Smith on that occasion give you something?

No.

Did she ask you to do something for her?—She asked me if I would put a letter in the post for her at Rugeley.

Where had you come from?—From Rugeley.

Did she give you a letter?—Yes.

Who was it directed to?—Earl Ferrers, Chartley Castle.
I suppose you did not know the contents of that letter?
—I did not.

Did you put it in the post?—I did.

At Rugeley?—Yes, I did.

## Cross-examined by Mr. Humfrey.

Can you fix the date of this when this was?—I cannot; it was September.

Did either Miss Smith, or Mr. or Mrs. Smith, apply to you at any time to get some of Lord Ferrers' handwriting?

—Mrs. Smith asked me if I thought I could get some.

When was that?—That was twelve months afterwards.

Did she come to your house?—I saw her at Polesworth.

She applied to you, was it that you should go, or that your husband should try and get Lord Ferrers' handwriting?
—She did not say either.

Only wanted one of you to get some handwriting of Lord

Ferrers ?—Yes.

Did you try to get some ?—I did not.

Did your husband?—My husband asked, I believe.

Your husband tried to get some?—Yes.

Could you get any?-No.

I must not ask you what you wrote, but did you write to Mrs. Smith to tell her about it?

Mr. Chambers. No, did you write to Mrs. Smith.

Mr. Humfrey. When neither you nor your husband got any, did you write a letter to Mrs. Smith?—Yes, I did.

When are Polesworth statutes?-In September.

This was in September 1844?—Yes.

And it was a year last September that she applied to you to get some of Lord Ferrers' handwriting?—Yes.

## Re-examined by Mr. Chambers.

Did you see Mr. Eld after that ?-Yes.

The Attorney General. I do not know what my friend is going upon. My friend has a right to ask anything regarding this handwriting.

Mr. Chambers. It is quite introductory to that.

The Attorney General. I object to any question my friend puts as to conversation or communications with Mr. Eld.

Mr. Chambers. I am not going into any conversations with, I am asking the fact of seeing Mr. Eld.

The Attorney General. How does it arise out of my cross-examination.

Mr. Chambers. I will tell my Lord if my Lord asks me.

Mr. Justice Wightman. It may.

Did you, or your husband in your presence, make any application to him for some of Lord Ferrers' handwriting?

—Not to him.

What is Mr. Eld?—I believe he is steward to Lord Ferrers.

Did Mr. Eld call upon you then?—Yes.

Did you see his son afterwards also?—No, I never saw him, not to my knowledge.

How far is it that you live from Chartley?—About ten miles.

Has your husband anything to do for Lord Ferrers?—He is a lime burner, and he has business at Chartley; he has business to go there.

You never could succeed in getting any of Lord Ferrers' handwriting?—No, he only asked once, I believe.

When was it that Mr. Eld visited you?—In January following.

The Attorney General. Really I do not know how this arises out of my friend's cross-examination.

Mr. Chambers. It is only as to Mr. Eld.

The Attorney General. What does that signify.

Mr. Chambers. Because Mr. Eld is your steward. I only want to lay a foundation for witnesses who are coming.

The Attorney General. You build before you lay a foundation.

Mr. Justice Wightman. At present it seems difficult to support the re-examination as to Mr. Eld.

Mr. Chambers. I only want the date of Mr. Eld's visit.
Mr. Justice Wightman. Then we will take the date?—
January.

1845 I suppose?—Yes.

Mr. Chambers. Now, at the time Mrs. Smith made this application, had you then heard of the action being brought against Lord Ferrers?—I do not think I had; I cannot recollect.

Had you heard anything of the affair?—I cannot recollect.

You know that Lord Ferrers had then been married some two or three months?

The Attorney General. Really, Mr. Chambers-

Mr. Justice Wightman. I do not want more upon my notes than necessary.

The Attorney General. Why, Mr. Chambers, should give the witness information when she does not want it I do not know.

Mr. Chambers. And why, my friend, should give me information I do not know.

John Page, sworn, examined by Mr. Symons.

What are you?—I go coal drawing now.

Do you live at Appleby ?-Yes.

I believe you are a Chelsea out-pensioner, are you not?

—Yes, I am.

Do you know Lord Ferrers by sight?—Yes, I do.

Do you also know Miss Smith, the Plaintiff, by sight?—Yes.

Did you know Lord Ferrers when he was at Mr. Echalaz's at Austrey?—Yes.

Did you know Lord Ferrers when he was called Lord Tamworth?—Yes.

Do you remember some time back being in the field called the Butts' Field, adjoining Mr. Smith's house?—At the back of Mr. Smith's house?

Who did you see there?—Lord Tamworth and Miss Smith.

Can you tell the time?—I cannot positively swear to the time.

As near as you can then?—It might be 1843, July or August, or somewhere thereabout; but I cannot positively swear to the time.

Are you pretty clear it was not much farther back?—Yes. Was it much farther back than that?—It was not.

Were they together or not?—They were walking side by side; might be too or three yards apart.

What time was this in the day?—About two o'clock, as near as I can judge.

Were they talking to one another; were you near enough to know that?—No, I was not.

Was there anything on that day which makes you particularly remember it?

Mr. Justice Wightman. He has not fixed the day.

Mr. Chambers. He says it might be July or August.

Mr. Symons. Were you near to them?—I should think I was about thirty yards from them when I first saw them; I was in a lane then.

Did you see him sufficiently to be quite sure it was Lord Ferrers?—Quite confident.

And Miss Smith?—Yes.

### Cross-examined by the Attorney General.

You say you are a coal drawer?—Yes.

What do you mean by that?—I keep a pony and cart and draw coals.

You are a higgler, are you not?—Yes.

And how long is it since you ceased to be a bailiff's follower?—I cannot speak to that.

You can tell how long it is since you have been a bailiff's follower?—I cannot speak to it at all.

Mr. Justice Wightman. Were you ever a bailiff's follower?—Yes.

Perhaps you are still a bailiff's follower?—No, I do nothing at it now.

How long have you ceased in that line?—About near two years since I did anything of that sort.

Since you did anything in the shoulder line, near two years, is it?—Yes.

Are you the man they call one-handed Page?—Yes, I am.

Mr. Justice Wightman. Have you lost the use of one hand?—I have lost it entirely.

Then did you cease to be a bailiff's follower when you lost your hand?—I have lost my hand a number of years.

Do you know a Mr. Grimsby?—Yes.

Were you employed by any person on the death of Mr. Grimsby's brother-in-law to measure a wheat field?—Yes.

Was that by an auctioneer of the name of Cheatle?—Yes, of Ashby.

Did you receive the money for it from Mr. Cheatle?—I never received none for it, from neither party.

Did anybody receive it for you and give it to you!—

Not to my knowledge.

Have you never received the money for it?—Not from Mr. Cheatle.

Who from ?--My wife received it from Mr. Grimsby.

And did you receive it over again from Mr. Cheatle, or anybody else?—I never did.

Did your wife ?-I do not know.

Do you know whether you received it twice?—I know I never received it twice.

Just tell me, if you please, when you say you cannot exactly say, are you sure it was in 1843 to begin with, that you saw them?—Yes, sometime then about, I believe, to the best of my knowledge, I am not quite confident.

Not even about the year?—I would not swear to the time at all.

Would you swear it might not be 1844?—It was before that.

Are you quite certain it was in the year 1843?—I am not confident.

It might have been in the year 1842?—I am not confident of the year, I cannot swear to it.

Then for anything you recollect, it might have been in the year 1842?—To the best of my knowledge I believe it was 1843.

But for anything you recollect it might have been in 1842?—I cannot swear to the time.

It might have been in 1841?—I cannot swear to the time.

But it might have been in 1841, is that so? it might have been either 1841, 1842, or 1843, you cannot say which?—To the best of my knowledge it was 1843.

But you will not swear it was not in 1842?—I will not swear.

Will you swear it was not in 1841?—I cannot swear to the time.

You say it was either July or August, will you swear it was not in June or May?—I cannot swear to the time.

Or September, or October?—I cannot swear to it.

Then you cannot swear to any one particular month of

the year?—No, I cannot.

Mr. Justice Wightman. Nor to the particular year, though to the best of his knowledge he thinks it was 1843.

And where was it you saw this loving pair at three yards asunder, walking together?—In a field called the Butts.

Walking side by side, three yards from each other?—About that distance.

You were about thirty yards off, were you?-Xes.

Did you go nearer to them?—No.

Did you stand and look at them?—I was going through a gate that led me into the same field, and through another gate, and I saw the parties together, and when I saw them I turned back and went down further, to a stile, and went over the foot-road; I was going to purchase a sickle and a few things at a shop.

I thought you were going to tell us something you saw

at the stile?—Yes, I saw the stile.

You saw them, as I understand, when you were thirty yards off; you saw them walking side by side three yards apart, and then you turned away to go and buy your sickle?

—Yes.

## Re-examined by Mr. Chambers.

What were you going to buy the sickle for?—For a son of mine.

What were you going to buy a sickle for, was it to reap with?—My own son.

Was it to reap with ?-Yes.

Was reaping-time coming on, or not?—It was not commenced, I think it was coming on.

Did you buy it in order that he might use it in reaping?

—Yes.

Can you recollect then, whether this was just before reaping-time came on ?—I believe it was.

When did your son last reap?—I believe it was in 1843. Was that the last time that he reaped?—I think it was.

Did you buy the sickle for him the last year he reaped?

—Yes.

And was 1843 the last year that he reaped?—I believe it was.

With regard to seeing what my friend has called this loving pair three yards apart, you were entering the field when you first saw them?—I was going through a gate that leads into a field till I saw them.

And then you saw them, and then turned back ?-Yes.

When you got to the stile, did you see them again, or not?—I saw them again; I went into the same field when I got over the stile.

Did you still see them walking in the same way?—But I was further off then.

How long would it take you to get to the stile?—It would take me about two or three minutes, or not quite so much.

Then when you got to the stile, you saw them again, were they in another part of the field?—They were by the side of the garden.

How near were they then?—They might be forty or fifty yards.

From you?—Yes.

And how near to each other?—Not many yards apart.

But they both moved in the same direction?

Mr. Justice Wightman. The distance between them seems to have increased.

The Attorney General. No doubt, my Lord, it was a centrifugal force.

Mr. Chambers. No matter what force it was, so long as they got together.

Mr. Justice Wightman. They were farther off when he saw them last than when he saw them first.

Had they both gone in the same direction after you saw them in the field?—They were walking towards Mr. Smith's house by the side of the garden.

They had walked some distance when you got to the stile?—Yes.

Is the Butts' field close to Mr. Smith's garden and his

house?—There is a garden taken out of this Butts' field and an orchard, before you got to the house.

Mr. Smith's garden and orchard?—Yes; but they are

not adjoining together.

But could you get from the Butts' field into Mr. Smith's garden or into his orchard?—Out of the Butts' into either the garden or the orchard.

The Attorney General. My friend goes on with a new

long examination in chief, in every re-examination.

Is the Butts' field close to any field of Mr. Smith's, or close to the garden?—Close to his garden and orchard, and rick yard as well.

I believe the Butts' is Mr. Smith's field ?—He rents it.

You have been asked another question about being one-handed Page: how did you lose your hand?

Mr. Justice Wightman. Really, is it material how he lost his hand.

Mr. Chambers. Only it is used as an imputation against the man.

Mr. Justice Wightman. No, there is no imputation upon him for that.

Did you lose it?—Yes.

As a soldier, I believe?—Yes.

Mr. Chambers. My Lord, there is one witness we propose to call; but as we are to adjourn, it may be convenient to do so now. I allude to Mrs. Perry, who is exceedingly ill; we have sent for her, but she cannot attend this evening; she was taken suddenly ill this morning.

Mr. Justice Wightman. You have no other witness?

Mr. Chambers. There is another we can call now, but she will not come in the order of proof.

Mr. Justice Wightman. We can take any short witness.

Mr. Robinson. I omitted to ask a question of Mrs. Holgate.

The Attorney General. I did not ask Mrs. Holgate

anything.

Mr. Robinson. I was doubtful whether I asked her to whom the letter was addressed which she put into the post at Leamington.

The Attorney General. We all understand that, that

was a letter to Lord Ferrers; that was quite understood. I do not think it was mentioned, but we all understood that it may be taken so.

Mr. Humfrey. I think she said so.

Adjourned to to-morrow morning, half-past nine.

# Third Day.

17th February, 1846.

Prudence Cotton, sworn, examined by Mr. Chambers.

Are you the daughter of the postmaster of Chartley-wich?—Yes, I am.

Do you assist at the post-office at Chartley-wich?—No, I do not.

Do you know whether Lord Ferrers has a bag come there for his letters?—Yes.

How far is Chartley-wich from Chartley?—About two miles and a half, or three miles.

Do you keep the key of that bag at the post-office?—Yes.

When the letters are sent from Chartley, is the bag sent locked?—Yes.

Do you open it with your key and take the letters out?—Yes.

How long have you known that bag sent to the post-office at Chartley-wich; for a year, or two years, or how long?—Two or three years.

Have you seen the letters that were sent?—No, I never noticed the letters.

Have you seen the outside of them?—I might have seen them.

Have you noticed the signature at the corner?—Yes, I have.

"Ferrers?"-Yes.

So as to know the handwriting?—Yes.

Mr. Justice Wightman. Have you noticed them so as to speak to the handwriting?—Yes.

Mr. Chambers. Within the last eighteen months have you noticed any difference in my Lord Ferrers' signature?

—Yes, there is something different.

In the character of the handwriting?—Yes.

How is it altered ?-It is rather larger.

Do you know a person of the name of Ledbitter?—Yes.

Is he Lord Ferrers' steward?—Yes.

The Attorney General. She adopts your words. She had better not say so. You probably mean butler.

Is he some domestic of Lord Ferrers; does he live at Chartley?—Yes.

Mr. Justice Wightman. What is he then?—He is the house-steward.

You need not say what he said; but did he call at the post-office at any time to give you some directions?—Yes, Ledbitter called.

When was that?—I do not know, I am sure.

How long ago?—I am sure I cannot say.

Is it a year, or half a year, or how long ago?—Perhaps half a year.

Since Lord Ferrers was married?—Yes. (The Witness examines letter No. 10.)

Do you believe that to be Lord Ferrers' signature;—It is something like it.

Is it your belief that it is his?—I could not say it is his.

But what is your belief?—It is a great deal like it.

Do you believe it is his?—I would not say it is his.

Is it your belief; supposing you saw that, what should you say as to your belief?—It is a great deal like it.

Then you would believe it from that?

Mr. Humfrey. Do not tell her she would believe it.

What is your belief with regard to that; supposing you saw that at the corner of a letter, what would be your belief?

The Attorney General. Stop a moment; I do not think that is the proper mode of examining a witness as to handwriting. "Suppose you saw it at the corner of a letter,

should you believe that to be Lord Ferrers' handwriting?" I do not think that a proper question.

Mr. Chambers. Then I will put a proper question.

What is your belief with regard to the signature; do you believe it was Lord Ferrers'?—Why, it is a great deal like it; I could not say to be sure it is his.

Now look at another. (The letter No. 9 is handed to the Witness, who examines it.)

The Witness. That is the same. (The letter No. 8 is handed to the Witness, who examines it.)

The Witness. That is not so much like it. (The letter No. 7 is handed to the Witness, who examines it.)

The Witness. That is much like it. (The letter No. 6 is handed to the Witness, who examines it.)

The Witness. That is like; rather smaller. (The letter No. 5 is handed to the Witness, who examines it.)

The Witness. That is much the same; rather smaller than he is in the habit of writing now.

Mr. Chambers. "Than he is in the habit of writing now." Is it like his signature that he used to write before?

—Yes, it is like his signature. (The letter No. 4 is handed to the Witness, who examines it.)

The Witness. That is the same. (The letter No. 3 is handed to the Witness, who examines it.)

The Witness. That is very much like his writing. (The letter No. 2 is handed to the Witness, who examines it.)

The Witness. That is like. (The letter No. 1 is handed to the Witness, who examines it.)

The Witness. Yes, that is like. (Letter "A" is handed to the Witness, who examines it.)

The Witness. That is rather like it. (Letter B is handed to the Witness, who examines it.)

The Witness. That is a great deal like it.

## Cross-examined by the Attorney General.

I understand you to say it is your mother who keeps the post-office?—My father.

Is your father here?—No.

Have you a mother living?—Yes.

Does she assist in the post-office?—Some little.

You do not assist you say yourself?—No, not at all.

Now when was it you began first to look at any letters with "Ferrers" in the corner, do you recollect?—It is notes that he has sent to my father to ask him to register letters that I have seen; I have never noticed the letters; some of them I have.

I understood you they were letters that came from Lord Ferrers, with his name in the corner?—I have seen some of those.

And besides those you have seen notes to your father, requesting him to register letters?—Yes.

How many of those notes do you suppose you yourself have seen?—I cannot say, perhaps half a dozen.

Did you see the outside or the inside of those notes?— Both.

Half a dozen during what period?—I could not say.

You could tell me whether it ranges over three or four years?—Constantly to the last half year; I have not seen them very lately.

You said there were about half a dozen that you saw; when you say you saw half a dozen of these notes, do you mean you saw them in one year, or that it was spread over two or three years?—Two or three years.

How came you to see the letters which came in the bag, on which there was "Ferrers" in the corner?—They were taken out of the bags to be laid on the table to be stamped, and I just noticed them, that is all; I have been in the house, and just noticed them.

You did not look at them to acquire a knowledge of Lord Ferrers' handwriting?—Not at all.

But just looked at them as you would at any other letter?

—Yes.

And probably you did not take particular notice of these notes your father received?—No; he has laid them on the table, and I have just picked them up and looked at them.

When did they ask you first about Lord Ferrers' hand-writing?—I cannot say.

Sometime ago?—Yes, a good while ago.

### Re-examined by Mr. Chambers.

You say you have noticed the signature in the corner for a year or more, did Lord Ferrers send letters constantly when he was at Chartley, through your post-office?—Yes.

The Attorney General. I do not know how this arises out of my cross-examination; I have had occasion to complain more than once about it; I must examine to it.

Mr. Chambers. Without the permission of the Court my friends ought not to interfere with my re-examination; the moment a question of mine is put, my friend proposes to ask an additional question upon it.

The Attorney General. If it is a question of etiquette, I am quite prepared to ask your Lordship's permission.

Mr. Justice Wightman. I doubt whether it is worth while.

The Attorney General. That is quite sufficient.

Mr. Justice Wightman. It is useless to prolong a matter of this kind, when it is quite clear what is meant.

Without troubling you to go into the details, about how many letters should you say you have seen during the year and a half, or two or three years, how many have you seen with Lord Ferrers' signature in the corner?—I could not say, I am sure.

A good number, have you?—Yes, a good many.

Since his marriage, has he sent as many or fewer letters?

No.

The Attorney General. This is probably the proper time to ask whether my friend has consulted the Solicitor General as to the propriety of acceding to our request of allowing our witnesses to examine the letters.

Mr. Chambers. Yes; and with my humble concurrence the Solicitor General declines to accede to this unusual course for this reason; he is exceedingly willing, and my friends and myself are equally willing to consider it, when we have heard the case to be made on the other side stated by my learned friend, we shall be enabled then to say whether we will accede to that proposal or not.

The Attorney General. I do not accept anything of this

kind conditionally in that way; I shall not ask for it

again.

Mr. Chambers. Then if my friend will not accept anything of that sort, we consider it to be a most unfair and improper course to adopt, and therefore we do not accede to this unusual proposition: we think it an unjust proceeding that they should hear the whole of our case, and then ask for this indulgence, and not permit us to hear what their statement is before we say whether we will do it or not; we think it is unjust towards our client.

Mr. Justice Wightman. I confess I am entirely at a loss;

you have nothing more to say?

Mr. Chambers. No, my Lord; but still, if your Lord-

ship is about to pronounce an opinion ----

Mr. Justice Wightman. I am going to say I am at a loss to see what injustice there is in it, because the case put by the Attorney General as the ground for the application is this; you have brought forward a number of witnesses, who have had an opportunity of seeing these documents; all they wish is, that the witnesses whom they may be prepared to bring forward, should also see the documents. Now, I certainly did appreciate the objection that they might select certain witnesses and reject others; that they might shew them to half a dozen, and call only three perhaps, because the remaining three might say they were in the handwriting of Lord Ferrers; but as I understand the proposition to be that they will produce all the witnesses who see the letters.

The Attorney General. Certainly, my Lord.

Mr. Chambers. I am not going to make an argument, but a statement. Months ago, our solicitor made the offer that they might bring whoever they pleased to see them.

Mr. Justice Wightman. Be it so.

The Attorney General. I beg leave, my Lord -

Mr. Chambers. My Lord, there is another objection; your Lordship does not see the difficulty. There have been letters put into the hands of our witnesses; they may produce those letters; are we to have the same opportunity?

Mr. Justice Wightman. No doubt, if you propose to call in any witnesses to contradict them in that matter, it

would be but reasonable that they should see the letters too.

The Attorney General. Subject, of course, to the same condition, that they should call all the witnesses.

Mr. Justice Wightman. Yes, they should have just the same opportunities that you have had.

Mr. Chambers. But this is so very irregular and unusual. The Attorney General. Under these circumstances, I do not press the application, after the refusal which has been given.

Mr. Chambers. We shall protect our client; certainly.

## Mr. Frederick Tillard, sworn, examined by Mr. Robinson.

I believe you are in the General Post Office?—Yes.

What is the practice of the office with regard to letters that are refused by persons to whom they are addressed?—When received at the Dead Letter Office, they are opened, and, if possible, returned to the writer; refused letters——

Are they registered or not?—Not unless they contain value.

By Mr. Justice Wightman. The refused letters are not registered unless they contain value?—No; that would apply to letters generally, whether refused or not found.

In regard to letters which are addressed to noblemen, is there any other course taken?—If they reached the Dead Letter Office from being mis-directed, or any other cause, they would be re-directed, and sent out again to make particular search. If they have country seats, or town houses, or hotels, where they are delivered, they would be sent there; everything is done before they are opened. It would be tried to get either the party's acceptance or refusal of a letter.

Then would it be opened?—If he refused it, or if the finding out fail, then it must be opened.

Are you aware of any register of letters to Lord Ferrers as being returned, as not taken in during the years 1843 and 1844?—I have examined the register for 1844, and there is no entry.

By Mr. Justice Wightman. I thought you said they were not registered?—Not unless they contain property.

Though refused?—Though refused.

If they contain nothing, what is done with them?—We open them, and send them to the writer, if possible.

And if you cannot find the writer?—Then we destroy

them.

Mr. Justice Wightman. I do not quite understand the value of this evidence.

The Attorney General. Yes, I can see it, my Lord; it is letters put into the post, and not returned; I quite understand it.

James Hatton, sworn, examined by Mr. Symons.

Are you postmaster at Appleby?—Yes.

I believe you are parish clerk also?—Yes.

Were you postmaster during the years 1843 and 1844?

—Yes.

By Mr. Justice Wightman. At Appleby?—At Appleby. Have letters passed through that post-office directed to Mr. Adkins?—Yes.

During the latter end of 1843, and the beginning of the year 1844, were there or were there not more letters than usual delivered to Mr. Adkins through your post-office?—I cannot say.

Try and recollect, now, the latter end of 1843, and beginning of 1844?—I cannot say for that.

Did you deliver many letters usually to Mr. Adkins?—

Not a great many.

Can you give my Lord and the Jury some notion of the number that would pass in a week or a month?—Not many in that time.

What do you mean by not many?—No more than family affairs; I suppose by his wife.

Try and give us something like the usual number that would pass to Mr. Adkins, as near as you can?—I cannot say.

Have you not been in the habit, for some time past, of receiving letters for Adkins?—Yes.

Have you many letters passing through the post-office at Appleby? Is it a small place?—A good many letters pass.

Would there be as many as two or three a week, in the

usual way, for Adkins?—No.

Not so many?—No.

Would there be four or five a month?—No, not so many. Are you quite sure of that?—Yes, I should say so.

I understand you to state distinctly, upon your oath ----

The Attorney General. I am sorry to interfere, but my friend seems to forget that this is his own witness.

Mr. Symons. If you will have the kindness to wait till the question is over.

The Attorney General. "Upon your oath!" that is not the way in which we usually address our own witnesses.

Mr. Chambers. And that is not the way in which we usually address a junior counsel.

The Attorney General. I ventured to suggest that the question began in a form not usual in an examination in chief, and I should repeat that observation.

Are you quite sure that at the end of 1843, and the beginning of 1844, no more letters than usual passed to Adkins?—No, I should say not.

Do you remember at that period what post-mark the letters bore that you did deliver to Adkins?—Yes.

What was the postmark?—One was Hammersmith, and the other, Ashby de la Zouch.

Was there any other postmark, you remember?-No.

Were there any bearing the postmark of Staunton Harold?

—There is no post-office there.

Is Ashby the post-office of Staunton Harold?—I should say either Derby or Ashby.

Since the beginning of the year 1844, we will say since the middle, have you received any letters for Adkins that bore the postmark of Ashby?—I should say yes.

If you can give us a distinct answer, do you say yes?—
I have done so.

Directed to Adkins?-Yes.

At what period?—I cannot speak to that.

Was it the beginning of 1844 you received letters marked Ashby?

Mr. Humfrey. He has only spoken of one.

Recollect since the middle of 1844, since June, 1844; are you sure you received a letter for Adkins, bearing the postmark of Ashby?—I cannot say exactly to that.

You would not undertake to say ?-No.

Could you undertake to say you have received more than one since then, with the postmark of Ashby?—No.

Mr. Justice Wightman. I understand, that being asked whether he remembered the postmark of any of the letters, he said, that one letter he remembers having the postmark of Hammersmith, and the other the postmark of Ashby; was that what you said?

The Witness. Yes.

Had you not received, before the middle of 1844, more letters than one, bearing the postmark of Ashby?—No. Not having any suspicion, I did not take any notice.

Did you deliver letters to Adkins during that time?—Yes, certainly, when letters came they were delivered.

And you only noticed the postmark of two of them?—No.

Not of more?-No.

And one was Ashby and the other was Hammersmith?—Yes.

### Cross-examined by Mr. Crowder.

You say there was one from Hammersmith; did you know that Adkins' wife lived at Hammersmith?

Mr. Chambers. How could he know it. It is a useless waste of time to ask the question. How could he know where the wife lived.

The Witness. I believe she came from that part.

Mr. Chambers. Adkins will tell us where his wife lived, I dare say.

Mr. Justice Wightman. It is not suggested Lord Ferrers was at Hammersmith.

### Mr. Raymond called.

Mr. Chambers. Do you produce the will of the late

Lord Ferrers?—Yes; (producing it.) The will and codicils are put in.

Mr. Chambers. Will you refer to that part of the

codicil about the Conservatory?

The Associate. "And whereas I intend to sell and remove the Conservatory erected by me at Staunton Harold, which intention, if not carried into effect in my lifetime, I desire my executors shall carry into effect after my decease;" and so on.

The Attorney General. The will being there, just have the kindness to see whether there is anything in that will which is bequeathed to Lord Ferrers except a portrait.

Mr. Chambers. Just read that part of it which refers to

the portrait.

The Associate. "I give to my grandson, Washington Shirley, as a memorial of me, my portrait, painted by Phillips some years since, now in the dining-room at Staunton Harold."

The Attorney General. Who are the executors?

The Associate. Proved at London by the oath of His Royal Highness Frederick, Duke of Sussex, and Evelyn Philip Shirley, Esq., the executors in the first codicil, to whom administration was granted, having been first sworn duly to administer.

Mr. Chambers. We now call upon them to produce a letter of the 28th of June, 1844, from Mr. Smith to Lord

Ferrers.

The Attorney General. That is the 24th of June.

Mr. Chambers. No, the 28th.

The Attorney General. However, we have no such letter.

Mr. Chambers. This is Mr. Smith's; it is the paper

marked "C," which Mr. Smith said was a copy.

The Associate. "Austrey, June 28th, 1844. My Lord, I have duly received your letter, and cannot but feel highly gratified by its contents. I have for some time been aware of your engagement to my daughter; and I have deeply regretted that circumstances require it to be kept secret. I hope her virtues will adorn the station you propose to raise her to; and although I had no pretensions to marry

her to a peer of the realm, yet I am satisfied your happiness will be secured by the choice you have made, and trust you may prove worthy of each other. If you should be prevented coming to Austrey, I shall feel glad to hear from you on the subject of settlements. Believe me, my Lord, yours faithfully, I. N. Smith. To the Right Honourable, the Earl Ferrers, Chartley."

Mr. Chambers. My Lord, we must have the letters read; Mrs. Perry has not yet arrived; and there is another witness also who has not arrived.

Mr. Justice Wightman. Perhaps it will be better to have the letters read from the copies.

The Attorney General. They have not been examined with the originals, but, I have no doubt, they are correct,

and they may be read from the copies.

The Associate. "Mivart's, February 11th, Dearest Mary, If wishes could transport me to you there would be no need of this writing; but as I am anxious, most anxious to hear of your well being, and also to tell you that business relating to my grandfather's will may detain me longer than I thought of from you, I send this; my good cousin Evelyn advises me not to take my seat just at present, as he thinks it not necessary; the fact is, though he won't own it, he fancies me no Tory in feeling, and would, of course, like that I should be one in truth. I, myself, think it will be wise to be quiet for the present. It needs not I should tell you again, Evelyn is a clever fellow, an ultra Tory, ever condemning Sir Robert for his even measures; an ambitious man, and a very proud one; attached to Devereux much, and thinking me somewhat obstinate and stupid for not seeing clearly and acting up to his wishes in each respect. Really this weather is tremendous; so cold. The other night I saw "The Bohemian Girl," the performance pleased me much. Talbot is in town. Moncks really gone to Rome with the Stourtons. I have seen chairs, I think, will do for one of our rooms at Chartley. Won't the old Hall be bright and happy when its future mistress takes possession of it. Pray take care of yourself, dearest; forget not you are the only hope of one to whom a palace would be but a desert, and England no home without you, far dearer to me than each earthly blessing, without which no one or any would be of value. Mary, you who are all in all to me, take care of yourself, and mind when you return from walking you change your shoes. You may laugh at me, but you are not particular, I know, in this respect, and you may take cold. Also, pray wrap up very warmly, and do not sit too long over that embroidery frame, nor vex yourself with thinking of imaginary evils. Surely, if we love each other, we may pass through this vale of thorns and thistles, as you are pleased to term it, tolerably. We must support each other, and you look bright and happy, as you used to do in days of yore. It has often struck me there is something untold to me, some secret care I know not of, that troubles you. Why not, dear girl, tell me if it is so, for I have often seen you look sad and unhappy, and the thought is with me still, there is something; pardon my thus speaking. I would lighten every care, as far as lay in me, and bear all your trouble for you so I saw you happy. I hope even this will cease in May, that you may be my bride, my wife; then all that is mystery will now be cleared, and your father not have to look for the marks of horse's shoes in that hovel of his, but that "Zimro" may be found in his stable; this will amuse you. Do not let any one see my note, I am ashamed of it, the writing is illegible. I was at Brighton the other day, saw my sister; Devereux is going to stay there for a time; Captain Westall Talbot and the Honourable Chas. Davy are dining with me at Mivart's. I think it likely I shall be obliged to go to Eatington for a day or two. I hardly know whether to purchase the conservatory at Staunton; but suppose I must, 'tis nearly £1000. Met H. Tracy in town the other day. Went to Madame Tussaud's exhibition with young Collingwood to see Father Mathew. I think as we have rather fixed upon living upon the Continent for some time, 'twill hardly be of use fitting up Chartley until our return from thence. More of this when I again see you, it will not be long. Evelyn is greatly interested about these Irish trials. deed his son went down purposely to hear Shiel's speech, which delighted him. He personally knows Fitzgibbon. Talbot has purchased a musical box, which he brought me

to look at, the cost ten guineas, it plays beautifully some of Betheoven's sonatas and waltzes, and is really worth the money; but as you told me to be very careful about expense, I shall not indulge myself with anything of the kind till after our marriage. I deeply regret the loss of that foolish £5000, but 'tis of no use only to make me more careful in future; my grandfather and father lost much money in that way, 'twill not do for the son to follow their example, or 'twould make him a second Lord Huntingtower. rather fancy the child of Evelyn, who wedded Walker, is very unhappy with her husband; I saw her in London the day before yesterday; poor thing, she is evidently lost, and looks more like a corpse than anything else. One of the many who have married a man unloved for wealth or station, or because parents willed it, and so lose their peace of mind; she is clever and was pretty. Walker is a coldhearted proud man, who makes a wife a secondary consideration, not perceiving that wife dying from secret grief. But this will hardly interest you; and my writing is such I hardly like to send it you; let no other eve than yours see it. Once more, dear Mary, keep up your spirits, and make yourself happy if possible. I need not again say, how much of, indeed all the happiness of another depends upon you, prizing you more than all else earth can give. If you wish not to make me very sad and miserable, be cheerful. and drive those thoughts from you about death, we all must go when we are called; but there is surely no need to anticipate the coming of the King of Terrors, and alarming those who love you so much by evil forebodings, which God avert; such calamity would indeed be a severe blow to your parents; how much greater to me who, for the last and happiest years of his life, has thought of you as his bride. In every hope, and dream, and future plan, you are mixed, and indeed all; -what, for all my beautiful fabrics to fall to the earth! 'twould be too bad, dear Mary, to inflict such a pang; pray think not of such gloomy things, I beseech you; life for one so young ought to be a bright vision. You will say I am moralizing, I will cease. not laugh at the various pieces of paper I send; you know my fondness for writing on little pieces. Adieu; every

earthly blessing be yours, is the sincere wish of your much attached till death, Washington Ferrers. P.S.—Please calm all apprehensions as to bills, &c., these I will attend to when I come down. This I add for fear you should be vexing your dear self unnecessarily. This Atkins brings. Write and say how you are; he will post it. Let no one see this, 'tis so bad a specimen. Adieu, dearest."

"Mivarts, Dearest Mary, Your parcel and last note reached me the day ere yesterday, and though much engaged I write immediately to thank you for them. handkerchief I shall prize above all other handkerchiefs. thank you much, dearest. Your note I have read and re-read; I am grieved to hear so ill an account of you, not from your note, for that says nothing, but from my brother, whom I saw, and who told me he had seen you. What is the reason of all this, that you should be so ill? By day and by night it haunts me. I have thought for sometime you have not seemed yourself; but when I ever asked, you always most dexterously turned the subject. Now, it really distresses me very much, and vexes me too; you are so very reserved, and never tell me anything, though you must know how anxious I am about you, or you at least Really I think it unkind, never hardly ought to do. mentioning in your note your being out of health; now do write soon and tell me if you are better, for I shall not be down in the country for, perhaps, another week or fortnight, unless I come down one day and return the next, to see you; but I hope you will shortly be better, do not work, do not do anything to tire you, but get well; would it not be well to go to some watering-place for a month: I think change of scene would benefit you. What does Taylor say of you? I have foreseen this sometime, and told you how careful you should be, no doubt you have caught cold from not wrapping warmly-naughty girl, so much as I have said to you about it; really, dearest, do take care of yourself, surely all will be right by May, for you know then you are to be mine, and I shall have to watch and take care of you: then will it not be joy and happiness for me to have you quite mine own; dear one and most beloved, remember health is the first consideration. Oh take

care of your precious self. Evelyn (Cousin) is appointed guardian to the young Hastings, you would see perhaps in the papers, with several other gentlemen. I often go to hear the speeches in the house; really, it is a great treat, and what you would like and your father too; much, I fancy, when we stay in London, after our marriage, he must come up, and then will have the pleasure of hearing his friend, Sir Robert, speak. What a clever fellow he is? Young Lord Clive I was introduced to the other day by my cousin. He is thought much of, but I think, though a young man of abilities, he is a thorough army, which means a gay fashionable dashing gambling young man, not one whom I should make a friend of. I have sent to C--- a dozen very pretty chairs, and large swing glass for your especial use, fair lady, and have ordered furniture for your own room. I am going to Brighton for a day or two to see my sister. who is very unwell, then to Eatington on business with Mrs. Shirley, so it may be some days or a week or two ere I see you. At all events you will hear from me soon again, telling you of my movements. Lord Claude Hamilton, a friend of Devereux, (I don't like the man, a thorough coxcomb) called for him at my rooms the other day, but he was gone to Brighton, so he went after him! My very good brother knows about twice as many of these sprigs of nobility as I do, and they all like D-, his wit and versatility make him liked. I think the fashions here are much the same; bonnets not very pretty, plumes are universally worn. Went to see the Bohemian Girl again, 'tis very good. See very much of Evelyn. Mrs. Shirley comes to town next week; I am to have the honour of escorting her. Mrs. Walker no better, I hate her husband, consequently see nothing of the lady; but I see there has been some cause of distrust between the two, and with that there can be no happiness. I have been trying to get a beautiful dog for you, but the owner will not part with him -one of those Italian greyhounds. Since I have been here my hand has been most painful, that foil and Harding" [There was a dash in the original under Hard-]

The Attorney General. Is it "Harding?"

The Associate. There is a dash under it as if it was some

joke, "I suppose you would wish the conservatory purchased; for we must have beautiful flowers, being both fond of them. You should receive more books on Saturday, I have ordered them for thee, they will serve to while away the time. I shall not tell you what they are, you will see; if there is anything, dearest, you would like, or wish for, write instantly and say to me, then you shall have it. shall write soon again to you if I do not come; let no one see this scrawl; and, dear Mary, begging you will take every care of yourself, and not teaze about anything, nor put yourself about at all, for it is great nonsense. I must conclude, as you will be tired of reading what I write; but I must tell you that the other day I ordered two beautiful plates to be sent to me-one, Oliver Cromwell proroguing the Long Parliament, and threatening it, the other, Mary of Scots; also, I had purchased a beautiful casket for your room at C-, when Evelyn stepped in and caught me looking at my purchases, he laughed, and asked me, 'what I a bachelor should do with those fine things, and if they were presents;' I said, I should send them to the country, that they were for myself; he admired my taste, and remarked the next thing would be a wife, he supposed; nothing more was said. A piano must be the next thing thought of, but more of that when we meet. Atkins will bring you this, you have nothing to do but take it, the parcel altogether: and now, adieu, dearest love, please to be cheerful and happy.

Order Bowley to make you a handsome frame for your work. I have just had a new dressing-case for my brother, which I shall take him when I go to Brighton. Will you pardon me this writing, and send the other handkerchief with a note when finished. Say if there is anything I can get for you here. It is thought O'Connell will be punished severely by some people here. I am sorry for him; Lord Brougham dined with me yesterday. I like him well, he comes here to-morrow. Talbot is down, but returns in a day or two. I do not enter much into the amusements of a London life, nor do I like them particularly. My promised wife will be all on earth to me. I am reading much now, as I really find myself wanting here amongst all these great men. I was surprised to find what a good Italian

scholar Evelyn is, he knows it well, the language. Adieu now, dearest, ever think of me, as your own truly attached, Washington Ferrers. Remember me to your sister Ann, adieu!"

The next letter is signed Washington Ferrers. "Sunday. The second handkerchief has been received, dearest Mary, and with it your own kind and sensible note: 'tis good to near from you, best and most beloved, and those notes make me more than ever satisfied with she whom I have chosen for my future wife, only for the shade of gloom contained in them do I get into what is vulgarly called a fidget, and wonder, but of this I say no more. I must now tell you I have been for three days confined to my bed with pain, chiefly arising from my arm. I am now better, but still in pain; but, dear Mary, do not let this alarm you, I shall soon be quite well again. The Shirleys are very kind to me; I hope, next week, to have finished my affairs here, but cannot tell when I shall see you, but you will hear from me again if I do not come down; I think the cold took my hand when I travelled to Eatington, for I have never been I hope you are indeed better than when I saw well since. you; remember your promise to me; if there be anything you wish for, pray do not scruple mentioning it; recollect, all I have is at your command, for all the world would be nothing without you, more precious to me than ought else earthly. The Shirleys have a Sir Terrence Volney with them from Berkshire; a strange person, very pleasant, quite an enthusiast as regards religion, rich, and not over young; he, I fancy, wishes to make me a proselyte to his opinions, but as regards that most sacred of all subjects, mine own are fixed, and I think we both agree in those opinions, he argues well. I have been reading some of Miss Bremer, the "Home and President's Daughters; there is much excellent in both works. Mrs. S. has them, for as you have, I did not think it worth while again purchasing them; Chatsworth, I fear, you will not think so good; Ward has condescended to actual book making in this work. Shall we not have much pleasure in going on the Continent together, to Italy, where our fancy leads us. Surely you will be sufficiently recovered from the tour. I

can assure your ladye I mean not to wait longer than June at latest, but we will yet look for the accomplishment of these hopes, dearest to me, in that bright month of all others May; will it not be surprise to all the people round, the sudden bridal. My own and only love, how dearly I prize thee, and how much think of thee; the hereafter must prove I cannot tell thee sufficiently all I feel for thee; would, Mary, I were sure that thou felt half as much for me. My home will indeed be a home when thou art in it, to brighten everything. Lady of my heart and earliest love, what fond rememberance enfold themselves round thy image. All my hopes and fears, boyish and manly, are with thee; with thee my happiness began; with thee will end the rose of my existence; pure white rose thou may'st be compared to, for thy thoughts are pure, are drifted snow, and as such I prize thee, my own love, for thou wilt make my life blissful and happy, only take care of yourself, and remember you are mine; therefore, if you love me, vex not yourself, but take things quietly, and be happy; I hear my cousin's step; if I am at all fit, I shall be obliged to go to Derbyshire next week, to see, amongst others, Jessop, my confidential attorney, one of the tribe whom Evelyn calls bloodsuckers to we young and indiscreet people; nevertheless, they are very necessary beings, and I cannot do without Mr. Jessop. I had the other day a paper sent me, that is, thrown in at Mivarts, containing a long paragraph about Needham, &c.; I should not think it was meant for me; it was handed by a very common looking person; the account was about a kind of carriage; Needham was, it appears, secretary to -; this was before I saw you last Sunday. My sister is not yet in good health; I have been too poorly to visit her, but shall do so ere I come down to stay. Do not tire yourself with working at your frame too much, it is not good for you in your present weak state. I must have a new carriage built for us in the spring. Our wedding will be a quiet one, but we will have a handsome carriage and beautiful grays. There is a quotation in your note from Byron; ab, dearest, that beautiful dream, "She was his life, the ocean to the river of his thoughts, which terminated all." So thou art my life, the gleam of sun-

shine in the dark cloud; I, the cloud, thou, the sunshine; God will give thee to me for my bride, my happiness, and we shall walk together in earth, and look to meet also in the land of souls. A spirit of poetry passes through me when I think of thee, and yet there is a shade of gloom passes often over your countenance, and then I think you are not satisfied and happy; but I will speak no more of those things; if there is any thing you wish for, dearest, only breathe it to me, and if in my power to grant, it is yours. Devereux has joined his regiment ere this, though I have not heard from him lately. You would read in the papers some account of Lord and Lady Paget; 'tis a shameful thing altogether; most people think Lord Paget wrong in the matter; he must, if such be the case, be a consummate The family of Lord Paget is very poor; Lord W. is in straitened circumstances, though this is no apology for him; they are not generally visited I hear; I think what you say about ---- is very just, and I perfectly agree with you in your opinion. I am sorry to tell you Evelyn, my cousin, will lose to the amount of some thousands in a speculation with Mr. Wilberforce, whom you heard me speak of; 'tis dangerous this speculation; not that it will much hurt him, as he is well off, both as regards talent and wealth; would he were made of less worldly material; less stern, then his poor child would not have wedded that brute Walker. The post has just brought me a letter from D, written with his usual sense; he is certainly clever, and full of foresight, my brother, and really one to be proud of. The query now is, shall I be presented at Court this season, I am yet undecided; D much urges it, and perhaps it would be better; it requires thought, however look next week for my name, though I know not whether it will be there; I do not like the thing, but it must sometime be passed. Now, I will say, adieu: write to me as before, for Chartley, sometime soon. Write more fully, and allow me as ever to remain your sincerely attached friend, Washington Ferrers."

The next letter is without date, signed "Washington Ferrers. 26, Park Lane. Dearest Mary—You will, I fear, think me remiss in not sooner replying to your last kind

note, but the contents thereof required consideration, and my hand renders me still an invalid. I have been to Brighton and Warwick since I wrote, and now again in Have not as yet been presented, but still think of it, though so unfit. Received yours the same way as usual, and much rejoice to hear you are better. Dearest, I think of soon coming down to see you, and settle all things. As your aunt is so soon coming, and I do not care much to visit you when she is with you. I have much to say, to tell you of, and wish, above all things, to see you; Mary, my beloved and much thought of one, in you each hope is centred. The future would be but an overshadowed landscape, but for the ray of light you will cast upon it. There is one I can turn to with love and affection in this wide world,-one who has loved the orphan, even myself,-and is it not right that all my love should be given in return to Dearest, doubt me not when I say you are to me everything. I love you more than you can do me, for you have father, mother, and friends to share your love; mine are dead-gone; my twofold love is yours; none other have I thought of ever as my wife. Blessings be with you, dear one, mine own! Ah, 'tis so pleasant to have some one to love, and whom you feel loves you so dear; to feel you could do anything for the one so loved, to watch over and tend it as one would a flower,-and truly thou art a flower to me,—and thou speakest brightly and cheeringly when I am dark and sad. I want you, my bird of paradise, and it shall not be many months ere I will claim you all my own. 'Tis true what you say, best and dearest, that wealth also brings its individual troubles. Certainly, the more we are trusted with by God, so have we to account for it. My fortune is small for my rank, and it will not do by extravagance to lessen it; still we shall have enough to live comfortably upon, and to spare, if required; if that fortune is well managed with prudence, I shall only want my wife; she will constitute my happiness, and so we shall do delightfully, if we do but put trust and confidence in each other; without that, there can be no peace in married life, I am sure, and trouble and disquietude only be the inmates of each heart; but with us it shall, please God,

never be so. May peace and quietness dwell with us. Much society we shall not have, but we shall need it not. If you like the Continent, we can stay there for a time. Your word shall be my law in all these things. I live but to see you happy and pleased, what more can I say? is needless for you to know how much I think of you. shall certainly come the day before our wedding, and stay with you at your home, judging it cannot be objectionable to your parents. Perhaps before that time, I may introduce myself in due form, but this we will talk of when I come. Tis as you say, strange for papa and mamma not to know the intended husband of their child till so shortly before the ceremony which unites the two; but I hope the hereafter will make up for the now in these things. And now for news. Evelyn is gone to Eatington for a day or two, and I am again going to Brighton. My sister is not in health, but they keep much company. I saw some right queer young ladies there, Scotch women; Miss Mac Trevors, very rich, very ordinary, bold; -in short, anything but nice; and these are called fashionable women—Heaven keep me from such! Oh, in the evening they exposed to view such shoulders,-'twas more than kind; I quite longed for Devereux to see, and quiz, and sketch them, which he would have done to perfection,—but enough of this. sister gives parties, goes out, and in short, lives in the world. and wears-for she is out of mourning-mostly green. Her husband I can say nothing of; you must sometime judge him yourself. Brighton is very gay. Speaking of house and servants, they must be regulated when you come; Chartley will be hardly fit for you, but while we are on the Continent, your mamma will please go over, and see that your future home-but of this I will myself speak to her. I saw Wright the other day in town, and gave him an order; he was to shew you damask for approval. I think you will like the pattern. Anything you may want, do not scruple having. He will send a parcel for you. I am again confined to my room by my arm, and am really an invalid, McPherson is attending me-Evelyn's doctor-and I am again staying with them. He will not allow me to go out. or use my hand, which I fear some day may prove of serious

consequence. As soon as I can, I shall see you, but at present I fear I shall not be able. Adieu, dearest and best, take every care of yourself, and let each thing you want be in a state of preparation. You would, I am sure, do well to go out somewhere for a month or so; it would be of the greatest service. Pray do talk to the governor of it. Wright will not mention anything at all, and our wedding will be quite a surprise to the people, in toto. Adieu, kind remembrances to Annie, and where is Louise, the pretty smiling one. See, I have blotted this. Good bye, and let me soon hear. From your ever attached friend, Washington Ferrers. I see in the paper Miss Kendall's wedding."

The next letter is dated, "Deanery Bangor, April 30th. My own love. For the last several days I have been filled with anxiety on account of your non arrival at Bangor; but your letter just received has explained all. Your mamma did not like the look of Stafford, as she would proceed no further. I should have met you there, but that thinking of my stay at Hollywell, I thought it best to go forward without delay, and so see you there; but it seems we were not to meet together in romantic Wales, that land of mountains, and heath blossoms. For the more important part of your letter, those bills: shortly after I come home, I shall have the pleasure of reimbursing your grandfather or father for the so paying of them. I am mortified beyond expression as to the whole affair, which proceeded from thorough carelessness on my part. It will be a lesson to to me for the future. I know that this must have vexed and put you about much. Believe me, dearest, when I say I will never again so commit myself; also, that I am willing to pay interest upon the money paid by your friends for me. I hope this will in no way delay our marriage, which, indeed, the sooner it takes place the better. Now, as I have got into this scrape, of course you will fix the time, but somewhere about June let it be, then all these disagreeables will be put an end to; I am very much annoyed at it, and I will contrive soon to repay the money; but really I have found myself short from what I talked to you of. Never, never shall this happen again, dear Mary;

I shall feel almost ashamed, after all this, to come now to take you away; and your friends, least of all, would I be under an obligation to, but still I am grateful to them in this instance; and hope humbly to be able to repay, in every sense, my debt of gratitude to them. Shortly after I come home I shall think of coming to your house, and also order Jessop to make whatever settlements, &c. I hope you will try and keep up your spirits, assured, dear Mary, of my dearest love, and that it is my fondest wish to make you my wife right soon, and for us to go to the Continent. After this note, you need not show any one unless you please; I am writing in such haste, as my cousin is waiting for me; I am now for a day or two at the Deanery. It will be a week or two ere I come home. On receipt of yours, I did think of coming over directly, but then my friends would think it very strange; so I shall stay for the present. It would have been very delightful to have had you here, the weather is so fine, and the country pretty; but, of course, your aunt being with you, you would not like to leave, and I must not do as I will. The spoiled child hates being thwarted. I have no news to tell you; I am too hurt and vexed to be in a humour for writing. Pray pardon this; I shall again write shortly. I have had this sent to you by Joseph, my confidential, and not by post. I do not think, in this stage of affairs, you ought to doubt me; why do you? I wish everything to be as quiet as possible; that is the reason I send the man, he will not disclose anything. I heard from Theodore Echalaz some days ago, through my sister; he is trying for Austrey, I hear. Adieu, dear love, from your fondly attached Washington Ferrers."

The next letter is signed, "Washington Ferrers, Chartley Castle;" but it has no date: "Mary, dearest, and ever beloved, I received your note yesterday; thank you for thus writing. I cannot come, and I have much to say; why have you ever doubted me? Is there not one being will think well and rightly of me in this world? Must she, whom I have loved and trusted too, disbelieve and think ill of me, and all or partly through the misrepresentation of strangers? But perhaps there may be cause for all this. Heaven knows, I have ever loved you, ever thought as the

choicest gift of God, the having yourself for my wife. Believe me, I adjure, I implore you. I may be thoughtless and unwise, and the world may speak hardly of me; but it is a magnifier of faults; but I will be ever true; have ever been true to you, and loved you with my own soul; do not then doubt me. Your father, your mother, what do they say, that I come not to their house; it is enough that I have not seen either. I know that I must see them, as a matter of course, and after the review I will do so; I will come and claim you from them; and then when I have my wife I will take her away. If you refuse me I will wed no Remember, you are solemnly pledged to me; you may not, cannot break that pledge. Mary, you must be mine; I care not for aught else on earth but you; no, I say nothing but you, you alone for my wife. The papers they say, report you say, whispers of my union with the Welsh lady; what will not report say; what lie will not the papers tell! I solemnly assure, repeat the assurance, there is no truth in it; if you will not believe my word I am sorry; I can say no more. If your cousins will not come to our bridal let them stay away, we can do without them. Let my story cease; when I come to see you it must; after the review I will come. Let our wedding be put off another week, then there will be time. I cannot come many times, I am much engaged now; but I am aware I cannot wed with you without coming to see your parents, without set tlements being made. People must think me a fool and a rogue. Unless your mamma pleases she need not finish your bridal attire; all can be prepared in London; or rest till I come. As for your cousins—but my head aches from vexation—never mind them. What arrant nonsense it seems for a man to carry such things on if he mean nothing. Oh! when I have my wife I will take her away; you, to whom I have always looked for comfort when vexed; you, who can so much form my happiness. I believe you love me; I believe you will not forsake me. You have promised to be my wife. I am vexed now, and I have not you to tell all my vexations to, and the man seems as a child again. I desire you to believe me, I expect it of you; my faith and firm trust is with you. Mary, my own beloved, God grant

we may hereafter make up to each other for all. Now, I will come after the review, and people may say what they please; I will then talk to Mr. Smith about our wedding. Adieu, your own truly attached Washington Ferrers. P. S. —This note is not fit to be seen, for it is illegible, and written in haste. Adieu."

The next letter is signed "Washington Ferrers, Chartley." No date. "My dear Mary, Circumstances have lately occurred which will render the putting off our marriage really convenient to me for the space of one or two months. I do not so much regret this as I should have done, as I think in that time your health will be more firmly established, and the first or second week in August will suit me. Now I am full of trouble; my steward, Eld, talks of leaving my lordship, and Mr. Arden too. Now, I well know who to thank for these and divers other kindnesses. I hope Eld will yet stay, as he is and has been a valuable servant. As for Arden, I must provide myself with another chaplain, who will render me more efficient service, and be less subservient au l'interêts de l'autres. Speaking of myself, dearest, in the interim of time now appointed, I shall be happy to make the acquaintance of your father, when I hope he will find his future son-in-law rather better than report represents, and that we shall not repent our mutual knowledge of each other; I hope your parents will not object to this putting off our bridal; I think, for many reasons, it will be the better plan; your father will then know the one to whom he has to trust his eldest child; I shall also be able to judge for myself how far the character of Mr. Smith has been libelled, as "stern and unbending." As regards your wardrobe, the postponement will not signify; the bridecake will keep, and be the better. My affairs will be in a more settled state, and more fit to leave for the period we have spoken of. You will then, I trust, have regained quite your health and spirits, and Mr. Dyott may have the felicity of uniting us, if Arden leaves me; Devereux will then have leave of absence, and your parents will not have to give you to a stranger. I said enough? Will you, dear Mary, forgive this all, and read part to your father. I am indeed perplexed. You will see a fine rigmarole in the papers about the Lichfield business. I dare say I shall see you soon, or write if I do not. At present, ever with undivided affection, your own Was. Ferrers."

The next is signed "Washington Ferrers." No date. "Mary, my own, that is to be my wife, be not angry with me that I have thus written. You know it would not be advisable to leave England without feeling sure that things at home went on smoothly; it is indeed hard to me to be obliged thus to obtain the one thing nearest my own heart, but what course can I pursue? It will only be for two short months; hardly two; and people must know that I come to your house, but it signifies not to me; now, beloved dearest one, many things have I to tell you when we meet; I know not how soon I may be at Staunton; I shall try and keep Eld, if possible; positively Evelyn must be at the end of all this; once more, adieu; send the bearer back instantly, if you meet him, adieu; from yours, till death, Washington Ferrers. You had better tell the person you have engaged as waiting woman, the first week in August her services will be wanted, or ask your mamma about it, or perhaps, if I do not come soon, I shall write to your mamma; I think it will be best, will it not? Adieu."

The next letter is "Washington Ferrers, Chartley Castle. June 24th. My dearest Mary,-You must have been expecting me ere this; and I should have come, but have been obliged to go up to town; to-morrow I am again going to London. Enclosed you will find a note for your father, which please give him. Since I saw you I have been very unwell, but again am in tolerable health. I trust you are keeping up your health and spirits, for in August we will go from England. You would see nothing about me this time as to the review. I shall, I think, go out, but more of this when I see you, which will not be long first, though I don't know how long I may be in town. The colour of our travelling carriage is blue; it will be a very beautiful one, and I hope it will please you. Will you not be surprised to hear I have voted on the Tory side for Sir Robert, and I think I have done rightly. What will you say, dearest? I hope your father will excuse the writing of

that note, it is very untidy; will be think it sufficient? My own beloved one, do not be sad and sorrowful; keep up your spirits, and try and get quite yourself again, else people will say it was not by, or from inclination, you chose me, though, if they knew all, certainly ours has been indeed a romantic love affair, to say the least of it. Do not listen to what report says of me; I will try by my conduct to prove to you they have spoken falsely, and that you will never sigh for your present home; my whole thought will be the desire to see you satisfied and happy; my only hope, what can I say more? Would it not be well for you to go out somewhere for a week or two? Do try and get quite well; write soon to me at Chartley; I shall, if I stay in town, write from thence; Evelyn does not know of our engagement; Devereux I have written to; Eld, I think, will stay with me, not Arden. Perhaps I may take my seat before we are married. Will your mamma see about your waiting woman for you, dearest? Old Neville of Tamworth shall make your settlement, but when I see your father, then we will have all these things over. Pardon this writing; my candles have gone out. Adieu, dearest, write soon. From your ever attached Washington Ferrers."

The next letter is dated "Shirley-wich, July 13th. My own Mary,-What will you think of me, what say; that ere this, I, your future husband, have not been to see you, or written? I should have been with you now, but have been laid up for the last ten days, having been really very ill at the Shirleys, continued fainting fits, and I am now better; I have taken rooms at the Granby, and as soon as I am able to travel, shall be with you; I should have come on Monday, but was not well enough, and am dying to see you. You must make a longer stay at Harrowgate for me to be with you, dear one. Your note I thank you for; your kind, sensible, and amusing note, which was forwarded to me Tuesday evening or Wednesday. You will certainly see me; for though I am yet ill, I will, if Knight will let me, come to you, and I hope we shall have a happy time together. Remember me with all respect to your mamma; say that I should have been with you on Saturday, but instead, had the pleasure of being bled. My own beloved one, dear above every thing else on this earth, think of me. Oh! often think of me, for my thoughts are constantly with you, my own; do not be surprised if I come quite incog. and stay with you at the Swan. Remember you the quantity of wigs, and the potent stain of the walnuts? Look out for me on Tuesday; I mean Wednesday, if not Tuesday evening: tell mamma to look well, if she will not recognize me in the pale and sallow young man she may meet at the Swan. Till then, adieu, my own, my promised bride, adieu. D—— has been at York. Ever yours, till death, Ferrers."

The letter marked A, is signed "Ferrers," and directed, "T. N. Smith, esq. Austrey. Tuesday, Ashby. Sir, It is my will and wish to instantly pay for all at Tamworth as soon as may be; this much I say, and feel very grieved that any such indiscretion of mine should have caused vexation to Mary. Allow me to remain truly yours, Ferrers."

The Associate. B was read yesterday, proposing immediately for the lady.

The Attorney General. It need not be read again.

## Mrs. Elizabeth Perry, sworn, examined by Mr. Robinson.

Are you the aunt of the Plaintiff, Miss Smith?—I am. Do you recollect, in the course of the year 1844, being

on a visit at your father's ?—I do.

Was that at Siarscote?—At Siarscote.

In what month was that?—I believe it was in the month of April.

Were the Plaintiff, and Mrs. Smith her mother, there too?—They were at Siarscote on one day, or on one or two days; I saw them during the week.

Did they start from there on a journey somewhere?—Yes, I believe they did.

Did they return back to Siarscote?—They did. Sooner than you expected, I believe?—They did.

Whilst you were there with Miss Smith, did Miss Smith or her mother give you a letter to put into the post?—Miss Smith gave me a letter to put into the post.

Was her mother there?—I cannot say, on that day, whether her mother was at Siarscote or not.

How was it directed?—To the Right Honorable the Earl Ferrers, Chartley Castle, Staffordshire.

I do not know whether you saw the contents of that letter or not?—No, I do not know that I did; ladies do not usually shew letters they address to gentlemen.

And you did not get a sight of this?—I did not ask for a sight of it.

What did you do with the letter ?—I put it into the post-office.

Into the post-office where?—At Lichfield.

You must not tell me what Miss Smith said to you; but had you communications with Miss Smith upon the subject of Lord Ferrers' attachment to her; do not tell us what they were?—I was in constant communication with her.

Upon what subject?—Upon that subject.

You are the wife of a clergyman, I believe?—I am.

A clergyman of the church of England ?-Yes.

And where do you reside ?—In Oxfordshire.

The Attorney General. I will not trouble you, Mrs. Perry.

Mr. Chambers. Have you the ring? it is merely to put it on the table.

The Attorney General. By all means. (The ring was produced by Mr. Chambers.)

Mr. Chambers. My Lord, that is the case on the part of the Plaintiff.

The Attorney General then proceeded to address the Jury, for the Defendant, as follows.

May it please your Lordship; Gentlemen of the Jury; IT now becomes my duty to address you, on the part of the Defendant, in this most extraordinary case, which, above every other which has occurred to me in the course of my experience, requires from you the most patient and careful attention; the most dispassionate consideration of the facts and circumstances; the greatest penetration with regard to the motives of conduct and actions; the careful

weighing and sifting of facts and circumstances; and, above all, the absolute suspension of judgment, until the whole of the case, with all its explanations, is entirely before you, and you are enabled to embrace it in one comprehensive view. Much that has already passed, must be unintelligible and mysterious. Many of the questions which I have put to the witnesses, would appear to you to be pointless, and without meaning. Many of the facts which I have extracted from them, would at first sight seem to be adverse to the case which I have to defend; but I promise you, Gentlemen, that if you will but restrain your curiosity, I will explain every thing to your entire and perfect satisfaction. I will clear away every doubt and difficulty which now appears to entangle our path, and I will in the result present to you so clear and so distinct a view of the whole of the circumstances, as to leave your judgment without any question or difficulty as to the determination at which you ought to arrive.

Gentlemen, I agree with my learned friend, the Solicitor General, that there are consequences involved in this enquiry immeasurably beyond the pecuniary amount which is in question between the parties. I admit that you cannot decide this case against the Plaintiff, without dismissing her from the Court with disgrace and ignominy. Gentlemen, is there nothing to be considered on the other side, with regard to the position of the Defendant, under the alternative of a verdict adverse to him? I may make some excuse; I may have some charitable indulgence for a vain, an imaginative, a lovesick girl, who, dreaming of an affection which does not exist, at last endeavours to turn her dreams into realities; and making the first false step, by attempting to persuade others of the existence of a mutual attachment, is led on from falsehood to falsehood, until it is impossible for her to extricate herself with honour from the difficulties in which she is involved. But what shall we say of the Defendant: upon the supposition of the case which is to be presented to you, and upon which you are called upon to decide in favour of the Plaintiff. suppose that a nobleman should have engaged the affections of a girl; should afterwards have denied his attach-

ment to her; broken his promise, and used the very tokens of his affection as the means by which he is to fasten upon her the odious crimes of fraud and forgery! This is the painful alternative to which you are reduced in the question which you have to determine. The contest between us has been well described by my friend, Mr. Chambers, to be a fearful one. But, Gentlemen, I cannot agree with the Solicitor General, that we are fighting here with unequal weapons. I acknowledge that rank and fortune are on the side of the Defendant; but I am yet to learn that any advantage is derived from those circumstances within the walls of a Court of Justice. My experience leads me rather to the conclusion, that, from the liberality and generosity of sentiment which distinguish our nation, there is always a sympathy in favour of the weak and the humble; and that so far from any benefit resulting from the superior acquirements of wealth and station in a place where all ought to be upon a level, it but too frequently happens that more than equal justice is dealt out to the superior object of a jury's sympathy. But, Gentlemen, I am not in the smallest degree apprehensive that you will regard upon this occasion the station of either of the parties, or that your judgment will be directed by any thing but the merits of the case, to be decided on your solemn oaths, upon the evidence before you.

My learned friend, the Solicitor General, adverting to the nature of the defence, which he was aware would be offered to-day on the part of the Defendant, very properly called your attention to the age of the Plaintiff, and to the improbability, even if she were bold and wicked enough, to contrive a scheme of the kind imputed to her, of her being ingenious enough to be able to accomplish it. It is a subject very well worthy your attention, but the annals of our Courts of Justice, which contain some of the most curious pages in the history of the human mind, will have informed many of you that instances have occurred which render it not impossible that such a scheme, even as artful and complicated as this, may be contrived by as young a person as the Plaintiff. You all of you, probably, have either read or heard of the case of Elizabeth Canning, which

happened in the course of the middle of the last century. You may remember that, upon her accusation, two unfortunate women of the Gipsy tribe were condemned to death. When she appeared in Court to give her evidence, she was barely of the age of nineteen. She told a plausible and a connected story of her having been seized by two men, and carried in a fainting fit to a house at Enfield, where the two prisoners, after robbing her, detained her for a month: she was exposed to the most searching cross-examination; she never once faltered in the story which she told, and the result was, that the jury believed her evidence, and condemned the unfortunate victims of her accusation to death. The trial gave rise to an earnest and vehement controversy as to the truth and credibility of her story; pamphlets and articles in the newspapers were written upon the subject; but at last the whole falsehood of the story was discovered, the unfortunate creatures were rescued from death, an indictment for perjury was preferred against Elizabeth Canning, and the result was, her conviction and transportation. Now what was the motive which induced her to invent and to persist in this accusation? the accused parties were strangers to her; they had never done her any injury; but she had left her master's house, she had been absent for some considerable time, she was obliged to account for that absence; she began with a falsehood; the first step into sin. having been made, it became necessary for her to plunge deeper and deeper to screen herself; until at last she became entangled in such a web, that she could not extricate herself from it without sacrificing two victims to her dread and shame of detection. The case of Maria Glenn, which happened within the course of my own experience, (and I observe that name is remembered by one at least amongst you,) was the case of a young lady, barely eighteen, who resided with her guardian at Taunton, who fell in love with a young man, a farmer's labourer, of the name of Bowditch. The attachment was communicated to her guardian, she was taxed with it, she denied it; that first falsehood led to the necessity of her telling many others, and, in the end, she charged the whole of the family with a conspiracy to take her away from her guardian's house, and to marry her

to young Bowditch. That story having been told, the guardian commenced a prosecution against them. She appeared in Court; she was examined, she told her story with apparently artless simplicity, she was cross-examined at very considerable length, her testimony was not in the smallest degree shaken; she captivated the jury, and she captivated the judge; and the result was, that the whole of this unfortunate family was convicted and sentenced to an imprisonment, a great portion of which they underwent. Some time afterwards the fabrication of the whole story was discovered, an indictment for perjury was preferred against her; she was convicted, and she fled from the consequences of that conviction to the Continent. Now in both these cases this remarkable circumstance also occurred, that not only were these young persons guilty of feigning the false stories which they stated upon oath, but in each instance they procured witnesses to vouch for the truth of what they related. I could adduce numerous other instances, if it were necessary, but these will be sufficient to keep you on your guard against the notion that the youth alone of the Plaintiff renders the story improbable, or that persons, without any apparent motive, may not be brought into a situation which compels them to fabricate false and feigned stories, leading to the most desperate wickedness, and even to the sacrifice of human life itself. Now I admit that all this is to be very cautiously weighed and considered. All I ask of you is not to suppose at present that there has been any forgery or fraud committed, but at the same time not upon the observations which have been made to you to imagine for one moment that such a state of things is impossible.

Gentlemen, in dealing with this case, I think it may be convenient to divide it into two distinct periods, in order that while no part is omitted from our consideration, each may be kept clear and distinct from the other. And I shall, therefore, in the first place, refer to that portion of the history of this transaction which relates to the period when Lord Ferrers, then Lord Tamworth, was a pupil with Mr. Echalaz, at Austrey. You may remember that that was from the month of February 1839, until the month of June,

1840, at that time Lord Ferrers was barely seventeen. The Plaintiff was just fourteen years of age, and the case, which is supposed on the other side, is this: that at that very early period the heart of the boy was warmed by the budding charms of the child; that they had repeated interviews with each other; that during the periods of his attendance at Church, his eyes never wandered from her pew; and what we heard yesterday, undoubtedly, to me at least, seems a matter of some surprise, that various notes, and amorous effusions of poetry, passed from this boy to Miss Smith, the Plaintiff. Unfortunately, as Mrs. Smith tells us, these have not been preserved, a circumstance worthy of remark. Mrs. Smith was extremely angry with her daughter for having destroyed them. It does undoubtedly appear to me a little extraordinary that a young girl in a country village, who must have been at least flattered with the attentions of a young nobleman, having these proofs of his attachment towards her, should not very carefully have preserved them. but should at some period, not communicated to us, in the course of the confidence which Mrs. Smith has reposed in us, but at some period have destroyed them. But it seems that these parties were in the habit of meeting at the time my Lord Ferrers was at Mr. Echalaz, and the evidence upon this subject appears to amount to this: A person of the name of Stanton says that he saw them together near the brickfield, if you recollect, in the summer of 1840 or 1841, rather a wide difference, and very important, indeed, is it to ascertain the date to which he meant to speak; because, you may remember, that Lord Ferrers went abroad in June 1840, and was absent upwards of two years. Another person mentions having seen them walking together about three yards apart. Another, that she was in the habit of walking with Miss Smith and the children; that she was generally, when Lord Ferrers was seen, desired to walk on. That when he observed them, he dismounted from his horse: and that whenever she turned round, she found Lord Ferrers proceeding in one direction, and Miss Smith in the other. Another person also mentions that he had seen Lord Ferrers coming from the Smiths' at about half past nine at night, in the month of November 1839, and to use

his own expression, that he had met him "plump" coming from the premises at three or four other times. And then a person, of the name of Elizabeth Bircher, says she met them once walking on the Appleby road; she crossed over, apparently to avoid them. And that on three or four occasions, as she was passing the house of Mr. Smith, she saw Lord Ferrers also passing on horseback, and turning round over his shoulder and looking at the premises.

Now I think I have most accurately and most faithfully detailed to you the whole of the evidence which relates to that particular period, and it appears to me to be rather a weak foundation on which to build such an important superstructure as this cause presents. According to the case which is made on the part of the Plaintiff, Mr. and Mrs. Smith were aware of the attachment of Lord Ferrers to their daughter. She was then a child of fourteen, Lord Ferrers a boy, under a private tutor, and his grandfather alive, and they are obliged to say that they never communicated to Mr. Echalaz the circumstance of there being any sort of attachment between the young persons. Now I know they have advanced as an excuse for this that they were not on friendly or visiting terms with Mr. Echalaz. But they seem to have been desirous to protect their child. They were apprehensive of the consequences of any affection springing up in her breast to a person so much her superior in rank, for it was stated, either by my learned friend, or by the father or mother, that she was sent to France, to be out of the way of Lord Ferrers. Now I must confess I think it exhibits a very low standard of morality on the part of the parents that, according to their own statement, they should have allowed this to be going on during the greater part of the time this young man was at his private tutor's. That they should allow, as they would have you believe, stolen interviews between them. That they themselves from that time, I may say, to the present, have never had the slightest communication with Lord Ferrers: have never exchanged a word with him, and that they should have thought it becoming and decent to allow all this to take place in the very village where he was with his private tutor, and without the least communication to him, in order

that he might guard his pupil against the dangerous consequences of such an early attachment. But this is the case which is made the foundation of all that follows. am not concerned to consider whether these witnesses, who are brought in this manner, and who relate these casual meetings between the parties, whether they are speaking the truth or not; it is wholly immaterial to me whether these young creatures met together at that time, and occasionally walked and exchanged a word or two together. It is remarkable that not one person has said that they ever conversed; and with regard to the one who says he saw him coming from her house upon the three, or four, or five occasions; if there were one word of truth in the notion that he had been there visiting under the Smiths' roof, there were present there members of the family, servants who might have been called to prove it: and yet the case commences in this most extraordinary way, with the father and mother being perfectly aware of this, perceiving and feeling sensible of the danger to their own child, and protecting her by removing her from the scene of danger, and yet not having the commonest feelings of decency themselves to speak to the young man, to the boy, and to caution him as to the attachment which was growing up in his breast, nor making the slightest communication to Mr. Echalaz of the danger he was incurring. But we may pass by that as perfectly immaterial in this case, for the boy in June 1840 left this country; he returned to it on the 30th September, 1842, two days only before his grandfather died. In the month of January, on the 3rd of that month, 1843, he came of age, became his own master, subject to no control, lord of his own will; and from that time, until the period of his marriage on the 23rd of July, 1844, as he alleges, and as I think you will by and by conclude, no intercourse of any kind took place between him and the Plaintiff. formerly had any attachment to her, which I utterly disbelieve, it was entirely removed from his breast; he probably had forgotten all the circumstances connected with Austrey, and on the 23rd July, 1844, he united himself to the daughter of Lord Edward Chichester, not having the smallest idea that there was any other person in the world

who could pretend to any claim upon his affections. On the 7th of August, 1844, a letter is received from the attorney for the Plaintiff, communicating to him, for the first time, that Miss Smith complained that he had broken a solemn engagement into which he had entered with her, and threatening proceedings against him. Immediately he proceeded to his legal advisers; he was not in the smallest degree aware upon what ground it was meant to be asserted that he had rendered himself liable to proceedings, never having seen Miss Smith after he left Austrey, he took for granted that if any case was to be made out against him, it must refer to the particular period of his residence there, and under the advice of an excellent friend of mine, who does not shrink from the counsel which he gave upon that occasion, the defence of infancy, being a complete answer to any such action, was pleaded. Not knowing what might be brought forward at that period, and what might have passed between the boy of seventeen and the girl of fifteen. my excellent friend gave that counsel which I should have given under the same circumstances. My learned friend, the Solicitor General, says he regrets that any nobleman should have pleaded such a plea. If I had been called on to advise in this matter at that early stage of the proceedings, I would have counselled the plea, and should not have regretted afterwards that it should be known that it was my counsel. The Plaintiff was thus driven by this plea to allege a promise made after Lord Ferrers came of age, and that replication, as it is called, being put upon the record, Lord Ferrers was then not much more enlightened upon the subject; for although his attention was directed to the period after the 3rd of January, 1843, he was not at all aware upon what ground it was to be alleged that he, who had never seen the Plaintiff after his return from abroad, who had never had the slightest communication with her, either personally or by letter; how it was possible for her to allege that after he came of age, he had pledged his promise to her to make her his wife. It was not until the month of June 1845, that a little more information upon the subject was obtained. It is necessary to inform you that there is a course of proceeding in trials at law, by which, when a party is

about to produce written documents, he may call upon the other side to admit them. He takes out a summons before a judge: the other party is called before the judge, and then the documents are presented to him. Upon this occasion, I shall explain to you, how much of them; and he is called on to say whether he will admit or not the handwriting of those documents. If he refuses to admit them, the only consequence is, that if the party proves them at the trial, the person refusing the admission is liable to the costs of that portion of the evidence. When the attorney for the Defendant appeared before the judge, he had presented to him most of the letters which have been in evidence before you in this case; but he was told that he was not to be at liberty to read them; he was to see the address of them, and he was to look at the commencement of them, where they were dated from, and at the conclusion of them; the signature to the letters, but none of the contents were to be communicated.

Mr. Stephens is very properly extremely anxious that, upon any statement of fact, I should be perfectly correct; he says, he was allowed to look at the character of the handwriting. That is not at all different from what I have been stating to you; he was not allowed to read the contents of the letters; upon this an application was made, to allow some friends of the Defendant an opportunity of seeing the letters, in order that they might say whether they believed them to be Lord Ferrers' handwriting or not; that was positively refused. You have heard the application made by me in open Court; you have heard the terms in which the refusal has been couched, on the part of the Plaintiff; you observe the inestimable advantage which the Plaintiff possesses over the Defendant in a case of this description: she is enabled to select her specimens, she may exhibit them to various persons, some of whom may believe them to be the handwriting of Lord Ferrers, and others may disbelieve it; but she is not compelled to call those who do not believe the handwriting to be Lord Ferrers'; she can select the particular letters which are the most favourable specimens, and she can select the particular individuals who are the most favourable witnesses.

On the part of the Defendant, if the case is a false and a fraudulent one, he has no such advantage and opportunity; he comes completely in the dark, waiting for the dawning of the light, and the gradual opening to the perfect day; and it is only in the progress of the cause that he acquires that information which is derived from the internal evidence of the letters themselves; and which, if the case is a false and a fraudulent one, may enable him to detect and to expose it. We therefore, appeared in Court under these circumstances: It occured to us, that one, probably infallible, test of detecting the fraud, would be the postmarks of the letters. We knew, from the inspection that had been allowed, that some of the letters were alleged to have been dated from Mivarts, another from the Deanery at Bangor, another from an other part of the country. We assumed, therefore, that we might possibly be able to prove that, at the particular periods when those letters were dated respectively from those different places, Lord Ferrers was elsewhere; but we found ourselves suddenly defeated by the contrivance which has been resorted to upon the present occasion, and which I take the earliest opportunity of mentioning. My friend, the Solicitor General; and, Gentlemen, when I advert so frequently to the observations which he has made, I entreat your careful attention to them; because the statements of my learned friend are not of his own invention; they are the Plaintiff's representations; and you must therefore look carefully at what the case is, which is represented to you by my learned friend, who receives his information from the Plaintiff as its source. My learned friend told you, that all the letters being, without any exception, without a postmark, were written, and sent by post to Joseph Adkins, a confidential servant of Lord Ferrers, and were, by Joseph Adkins, delivered personally into the hands of the Plaintiff. Mylearned friend has been corrected a little; and I wish to explain to you precisely how the matter stands upon the evidence. That was the statement to you in the opening speech; but on Mrs. Smith being called, she says, the letters were represented by her daughter to have been received from Adkins or from James, who they believe to have been a servant of Lord Ferrers; and one of them, it was

afterwards added, was delivered by Mrs. Adkins. I may at once tell you, that the whole is an entire fabrication, and falsehood: that Joseph Adkins never received any letter from Lord Ferrers to deliver to Miss Smith: That James, who I presume is James Warren, who was in his service at that time, has never received or delivered any letter to Miss Smith; and that Mrs. Adkins never delivered that one letter, which it is also represented that she delivered. We have the means, therefore, at once, of proving, in this most important part of the case, that the representation which the Plaintiff, herself, has made, is a pure fiction; that no such letters were ever delivered to her by either or any of the parties named; and then I pause for one moment just to ask what is to be substituted for that? If Adkins, or James Warren, or Mrs. Adkins, delivered no letter, the Plaintiff, having asserted to her mother that the letters were received by their hands, we prove her guilty of a falsehood; but we want to know, if the letters were not received in that way, how it was that they appear before us here without any postmark, without anything to indicate from what part of the country they came, nothing stamped upon them; by which, upon the very front and face of them, we can detect this attempt at falsehood and imposture. But we anticipated that the letters themselves would probably bear internal evidence of having been fabricated, because they appeared when presented to be of very considerable length; we thought that possibly, without at all knowing their contents, we might find, in the course of reading them some statement, some observation, some reference to persons, or to things, which we might be enabled to prove were false, and so to convict, upon the evidence of the letters themselves, the Plaintiff's case of that forgery and fraud which we impute. But my friend, the Solicitor General, who opened this case with that ingenuity for which he is so distinguished, having, I suppose, in some way or other, ascertained that these letters were full of pure fictions, endeavoured to anticipate, and to avert the consequences of such a disclosure by this solution.

My learned friend thought proper to state of Lord Ferzers that he was a young nobleman so utterly regardless of his word, that he never spoke the truth in his life; that his letters, therefore would be found to allude to persons and to things which had no existence except in his own fertile imagination; and in this manner my learned friend endeavoured to preoccupy the ground upon which we had hoped that we might rest securely for the establishment of the innocence of the Defendant. You shall judge for yourselves when you come to look at what the circumstances are, which are related in these letters, to which I shall presently advert, whether any conceivable motive could have actuated Lord Ferrers in introducing circumstances, utterly groundless, circumstances for which there is not the slightest foundation; or whether this, coupled with the other facts, to which I shall have to draw your attention, is not one of those means by which (I speak it reverently), under Providence, we may be enabled to expose and to defeat this shameful fraud.

Gentlemen, I pass now to the period to which your attention must be principally directed in the course of this most anxious and most painful enquiry. In the month of January, 1843, Lord Ferrers, as I have already informed you, came of age. The story which they make is this: that after that period he was in the habit, from time to time, of meeting the Plaintiff at Austrey, and even under her father's roof, that he wrote letter after letter to her; that he received letters from her breathing the most ardent affection; that he promised her to the very day, which he named in some of those letters, to unite himself to her; and that she was led on by these false hopes, day after day, and month after month, until they were all blighted and annihilated by the intelligence she received of his marriage to another. Now, the first circumstance which it occurs to me to observe upon in this stage of the history, is the very extraordinary conduct which it imputes, without any motive or reason, to Lord Ferrers. I have told you, that when he came of age, he had nobody to control his actions. is supposed to have entertained the most ardent affection for the Plaintiff: she was his inferior in rank; but my learned friend has adverted to certain circumstances connected with the family, which would make him, perhaps,

less scrupulous with regard to such a union, than a person might be belonging to another noble family. There was no reason why he should not appear before the parents, informing them that his heart was fixed upon their daughter, entreat their consent (which they would have readily granted), make every open preparation for the wedding, and have availed himself of every open intercourse by letter, or by conversation with the young lady herself. what possible ground can you imagine it to be that the intercourse by letter should, according to their statement, have been conducted in the circuitous mode in which it was, through Adkins, or some other confidential agent, and that from the beginning to the end, neither father nor mother should have had the slightest personal communication with Lord Ferrers and should scarcely have known him? And why should Lord Ferrers, who, on the 17th of May, 1844, was in London for the first time in that year, which will not be unimportant; who had become attached to his present wife, who was engaged to her, who married her on the 23rd of July, 1844; why should he, on the 24th of June, 1844, write the only letter which he is supposed ever to have written to the father, offering to unite himself to his daughter; why was that? It is quite clear, that at that time he was engaged to Miss Chichester; he was in town for the purpose of preparing for the wedding. Why was it, that, never having had the slightest communication with the parents, from the beginning to the end of this most unaccountable history, he should, if he had pledged his faith to Miss Smith, when he was on the very eve of violating it, have written this letter, which would be conclusive against him, of his promise to unite himself to her? These are circumstances which I am anxious to draw your attention to, and to ask you to account for them in your own minds, and to explain them consistently with the story which the Plaintiff must induce you to believe before you come to a conclusion in her favour.

But, gentlemen, before I come to the letters themselves, I must not pass over some incidents which occurred during this period; because, besides certain letters which are said to have been sent, there have been interviews proved; and

and to those, and to the evidence respecting them, I must now address a few observations.

You may remember that yesterday there were two witnesses called, who spoke to having seen the parties together in the year 1843; I allude to a person of the name of Page, who had been a bailiff's follower, and who was a higgler; and to the sister of the Plaintiff, the young girl who was produced before you. Page's evidence amounted to this: that he saw them in the year 1843—he does not know at what particular time-in Butts' Field; that they were then three yards apart from each other; that he afterwards went round to a stile, and saw they had advanced to Mr. Smith's garden; but as they advanced towards Mr. Smith's garden, they receded from each other, for they were several yards asunder when he then saw them. He could not tell you whether it was in 1841, 1842, or 1843; but I admit that, upon re-examination by my learned friend, he said that he had gone in that direction for the purpose of purchasing a sickle for his son; it was a sickle for him to use in the last harvest in which he reaped, and he believed this last harvest was 1843. Now, I would just observe upon the extreme difficulty there is in meeting a case of this kind, unless you can attach the evidence of the parties to distinct You will find the importance of that observation when I advert to the next evidence upon this particular part of the case, and I think you will feel that of all others this is a case in which the parties ought to be precise and particular, and that without it the greatest danger would result.

But now, Gentlemen, I pass on to the evidence of that child who was examined before you yesterday; and of all the many painful incidents in this extraordinary case, that to me is the most distressing. That that little girl has been brought forward to tell a story which is utterly without foundation in truth, I cannot but deeply apprehend; and I think, when I call your attention to the means which I fortunately have in my power of disproving that story, you will, however reluctantly, come to the same conclusion. One circumstance struck me with very considerable surprise with reference to that evidence. The mother had been

examined and cross-examined at very considerable length, and I will venture to say that she left that box with an impression upon your minds that Lord Ferrers never was under her roof, under circumstances in which it was at all likely they should meet. The facts connected with these interviews were not opened by my learned friend, and they came upon us entirely by surprise. Now what were the facts which she states? That in the spring of 1843, about Easter-but whether the immediate week of Easter, or the week after that, or any other precise time, she cannot say; she was cautioned by her mother, with a threat of punishment accompanying it, not to go into the drawing-room; she said, "she knew perfectly well that was because Lord Ferrers was coming;" so that it was notorious in the family, even to the younger part of it, that Lord Ferrers was in communication with their sister at all events, if not avowedly attached to her; she then told us that she went out into the garden; that she went to a window, and looked into the room, and saw Lord Ferrers for about five minutes resting upon the mantelpiece; that her sister then came into the room, and she ran away. Of course we naturally enquired, "Where was your father? where was your mother?" They were both in the house,—were the servants there? yes, two of them; one she named, and the name of the other she did not recollect. Well, now, how remarkable this appeared, that the mother should never have said one word upon this subject; and how extraordinary that Lord Ferrers going there to the very housebeing within the sound of the voices of the parents of the girl, to whom he was attached, should never have communicated with them for one moment-should never have sought an interview with them, and informed them of the state of his feelings towards their daughter. When you have a relation of this kind, so vague and so indefinite, it is impossible to meet it by any contradictory evidence, because, if I could shew you that Lord Ferrers was at a distance from this part of the country at any particular time about Easter, it would be very easy for an ingenious counsel to say, But she did not fix the time; she said about Easter, and therefore it may range within three weeks after

Easter, and you do not at all meet the case which we set up on the part of the Plaintiff. But, Gentlemen, we happen most fortunately and most providentially to have the relation of another interview which is fixed to a date,—that date being the 9th of December, 1843; and fixed by circumstances as to which this little girl cannot be mistaken, namely, the Austrey wake day. She relates minutely and particularly what occurred. She heard the piano in the drawing-room; she went into the room; she saw Lord Ferrers there at the piano. Now this in itself is a very remarkable thing, because that these should be stolen interviews unknown to the parents, and that the person who goes to the house under such circumstances should immediately sit down and play the piano, which could be heard all over the house, as we have been told; that he should take these means of concealing himself does seem extraordinary; but she goes on to say, "it was about the middle of the day; that the wake woman came to the door with eakes; that cakes were purchased; and that cakes and wine were taken into the room by her sister." Now here we have a precise date; we have none in the other case. and therefore we cannot meet it. This we can meet. the 9th of December, 1843, Lord Ferrers, accompanied by his sister, Mrs. Hanbury Tracy, left Chartley Castle, thirtytwo miles from Austrey, and posted to Welchpool; not going by railway, but posting to Welchpool, a distance of fifty-eight miles, and arrived at Welchpool in time to have As good fortune would have it, we have the bills of the horses on the road, and we have the very bill with the date of the 9th of December at Welchpool, the day on which the luncheon took place. Now every mile they travelled towards Welchpool was a mile away from Austrey; Austrey is thirty-two miles the other way, and therefore you must suppose this:-either that my Lord Ferrers travelled from Chartley upon Zimro, the swift horse which he possesses, and which will be adverted to by and by; that he went thirty-two miles; that he was enabled to have an interview with Miss Smith in the middle of the day, to play the piano-not being at all pressed for timeto ride back again to Chartley, and to travel to Welchpool, fifty-eight miles, by post horses, which must have taken him at least six hours, and to have arrived there, after all this, in time for luncheon. Gentlemen, he went on from Welchpool with post horses to Gregynog, and I have here the bill for those post horses. He went to his sister's, Mrs. Hanbury Tracy, in Wales. I have the account of Mr. Eld, his steward; his account-book, which shall be produced before you, in which, on that day, the 9th of December, he has entered a sum of £40 which he gave to Lord Ferrers for his journey to Gregynog, the place of Mrs. Hanbury Tracy. He breakfasted at home with Mrs. Tracy, and started with her in the manner I have stated to you. Now, Gentlemen, have I been unjust or uncharitable in this case? and if you believe this is a false story which we have this accidental opportunity of confronting and contradicting, what will you say to that mother who must have known it was false, who produces her own child, of a tender age, to perjure herself in support of the falsehood fabricated by her daughter and herself, without regard to the consequences to her child, both here and hereafter! These are the only incidents connected with any supposed interviews between the parties in the year 1843.

And now, Gentlemen, let me introduce you to the letters and to the circumstances connected with them, in order that you may ascertain for yourselves whether they do not contain internal marks of that falsehood and forgery which we charge upon them.

Gentlemen, it has been observed in the course of this enquiry, that the letters are written in a style inferior to that of Miss Smith, that she was a person of education, and wrote a letter superior to any of those that have been produced. There was a most remarkable expression in the course of my friend, the Solicitor General's address to you, which struck upon my mind, and made a deep impression upon it, and I have no doubt had the same influence over yours. My learned friend, in order to account for a lowness of habits and of thought, which he attributed to Lord Ferrers, referred to some incidents connected with the union of his father and his grandfather, the result of which he said, was, that Lord Ferrers had no better education

than that of a common charity boy at a grammar school. Now, my learned friend knows nothing of Lord Ferrers. This was not a statement which my learned friend from his own mind, and his own knowledge, introduced to you; but it is a representation which he receives from the Plaintiff. This is the idea which she entertains of him, and of course if she were to fabricate any letters she would make those letters correspond with the idea which she entertained of Gentlemen, I naturally enquired whether there was the slightest foundation for the assertion of my learned friend as to the deficient education of Lord Ferrers: I find that he was for three or four years at the school of a Dr. Mayo's at Cheame, that he was afterwards with Mr. Repton. whose name is familiar to us all, and who was his private tutor; that he then went for two years to Eton, and after that he was with Mr. Echalaz at Austrey, the important scene of all these great events. Now is it fair to represent such an education (however little a person may have profited by it, that is not the question) as lower than that of a common charity-boy at a grammar school. But I have entreated you to consider the statements which have been made on this subject on the part of the Plaintiff, because they are all derived from her. This is the view of Lord Ferrers' mind which she presents before you, and these are the letters adapted to that condition of mind which are to be stamped in this manner with probability.

Now we will in the first instance proceed to consider the question of the handwriting of these letters, and here we are at once introduced to one of the most perplexing and difficult questions which can arise in a court of justice. If the question is, whether certain documents which are presented in court are forgeries or not, the more excellent the imitation the closer the resemblance, the more skilful the forgery, the more difficulty there must necessarily be in detecting it; because any person who sees an imitation of handwriting, which is skilfully and well-performed, not being called upon to swear that the handwriting is the handwriting of the party that it professes to be, but merely that he believes it to be so, the very circumstance of being struck by the resemblance would induce this belief, and in this

way detection becomes extremely difficult. Upon this subject, it appears to me, there are some observations which arise as to the class and character of the evidence which has been produced. I believe it to be with regard to resemblance of handwriting very much the same case as it is with regard to the resemblance of countenances. We constantly meet with persons who, at the first view, appear closely to resemble some one of our acquaintance; but as we look more closely the resemblance vanishes, and I have no doubt that in the course of your experience you have found that where persons are perfectly familiar with two countenances, they are not so struck with the resemblance as those who have a slight acquaintance with them; and it is the same with regard to handwriting, the first thing which strikes a person is resemblance, the next is diversity; and the less intimately acquainted therefore with handwriting parties may be, the more they will be disposed to say at the first blush that handwriting which resembles that of the person they know so little of, is the handwriting of that party. Now, I beg you to bear this in mind, and to consider whether the observations I have made are correct, and apply them, if they are, to the testimony of the witnesses who have been called before you. We had, until this morning, only four witnesses upon the subject of handwriting. This morning we have had an addition in the person of Prudence Cotton, the daughter of the postmaster. Of those five witnesses, two I think must be entirely dismissed from the case as utterly unworthy of a moment's attention. I allude of course to, I regret to use the title, the Rev. Mr. Arden, and to Timothy Colborne, the six months servant of my Lord Ferrers. Mr. Arden was heralded in by my learned friend, the Solicitor General, as "a respectable clergyman of the Established Church," and you have, I have no doubt, even at this moment, a lively and a painful recollection of the disgraceful exhibition which he presented before you. Gentlemen, it is no pleasant task for me to degrade the church through any one of its members; but I had a duty to perform to the public and to you. It was necessary that I should even anatomize the corrupted body for your use, and therefore it was that I felt

compelled to search into the history and the character of that degraded man, in order to exhibit him to you in his true colours as a person utterly lost to all sense of shame and decency. Let us see what is the account which he unblushingly gives of himself when examined upon the subject.

It is made a charge against my Lord-Ferrers, that before he was of age, in moments of unguarded frolic and extravagant mirth, he has assumed various disguises, and exhibited himself to the neighbourhood. I had not the slightest idea, when I put the question to Mr. Arden, that Lord Ferrers had had a sanction for his boyish proceedings, in the example, the scandalous, the disgraceful example exhibited to him in the same course by his senior in years, by a clergyman, I deeply regret to profane the word, a clergyman of the church of England. When I put the question to him, whether he was not himself occasionally disguised, my meaning was this, I had heard it attributed to him that he was a person in the habit of being intoxicated, and I had not the slightest notion that I should obtain the answer which he gave me. It was never communicated to me that there, in his own parish, amongst those with whom he was familiarly acquainted, towards whom he had the most important duties to perform, whom he had to teach, and to whom it was his duty to preach and to set an example in his life and in his habits; that he should have countenanced a young man, a boy, I might almost call him, of only twenty, by accompanying him in the same uncouth and extravagant disguise, and exhibiting himself, as he says, to those who were familiar with him, and who knew him perfectly at the time. I naturally asked, "Were you sober then?" because although one could hardly for a moment excuse intoxication in a person of his sacred character, yet if he had unfortunately been accidentally overpowered in this way, he might have been guilty of such an extravagance, and though one would have condemned it strongly, yet not quite so strongly as under the circumstances which he related. But what must be the character of a man who, having done nothing to deprive himself of the possession of his senses, but being, as he

says, "perfectly sober," should be so utterly lost to all sense of shame as to proceed in the manner which you heard him relate, and heard him relate it, with a sneer and a smile upon his countenance, in the company of this young Lord, whom it would have better become him to have warned against such extravagance, than to have encouraged and sanctioned by his shameful example. Again, I questioned Mr. Arden, as to whether he had not been turned out of the house of a Mr. Ingram because he had been guilty of the dreadful offence of seducing his child? He denied that I obtained from him admission after adbe had done so. mission that she, having been sent from her father's house for something, was travelling about the country with him; and that she even accompanied him to that interview with Mr. Collis at Birmingham, to which I mean to refer: and then, when I asked him why it was that Mr. Ingram turned him from his doors, the reason which he gives us as actuating the injured father is "Because he was a fool and a blackguard." I asked him whether he had not been frequently intoxicated, and whether complaints had not been made upon that subject; he denied that there had been, but being pressed, he said "people would chat, and that they would even chat about me if I lived in that neighbourhood." When I pressed him farther as to what they chatted about, he said "it was all humbug! that he had undoubtedly heard that they did accuse him of being intoxicated, but that in fact he never was intoxicated," which he explained by saying that "he always had the use of his senses, and that he meant that and nothing more." It then appeared, on further inquiry, that he had gone to Mr. Collis, and had exhibited a ring, spoken of again at the close of the inquiry to day, and that he had asked Mr. Collis to attend on a subpæna to give evidence respecting that ring, and then, upon being pressed upon this subject. he admitted having sent a letter to Lord Ferrers after he married; that Lord Ferrers, thinking that his old acquaintances, especially if of the character of Mr. Arden, were not exactly proper for introduction to his wife, had not answered his letter. That a second letter had been sent, that that letter met with the same reception. That he had met

them in their carriage, and had bowed to them, and his bow had not been recognized; and that he considered Lord Ferrers had treated him very ill, and therefore he was come as a witness against him. Now do I judge rightly of your feelings upon this subject when I say that the evidence of such a man as Mr. Arden is utterly worthless in a case of this description? would it not be giving a sanction to vice if you were to allow the slightest weight to testimony from such a polluted source? I dismiss Mr. Arden with the contempt he deserves, regretting that it has been my painful duty to make such observation upon one of the sacred calling which he has assumed, but which he has so shamefully prostituted.

Now let me advert to the other evidence of Timothy Colborne: Timothy Colborne was a servant of Lord Ferrers from February to August 1843, and he professes to have acquired a knowledge of his handwriting in rather an extraordinary and unusual manner: He says that "Lord Ferrers was in the habit of writing a great deal, but not so much during the first period of his service, and that he had been in the habit of looking over him while he was writing," that is, standing behind him; he denied looking over him: but inasmuch as he could not obtain a knowledge of the handwriting without looking at the letters, he was compelled to acknowledge he had seen the letters, and that Lord Ferrers had frequently given him his letters to dry at the fire, though at times he was in the habit of using blotting paper; and he stated that in that way he had seen no less than fifty letters signed "Washington Ferrers," (which is a circumstance upon which we meant to rely with regard to the letters in question) and that he had seen upwards of a hundred letters signed by him merely as "Ferrers." Here we have a hundred and fifty letters to be spread over a very short space of time, because Lord Ferrers did not begin to write, according to his statement, at the earlier period of his being in his service, having hurt his hand: he was then absent at his sister's for a month; he was at Lichfield; he went to Derbyshire; he was at Staunton Harold, and only once did this man accompany him, and remained there three days, and the period he assigns for obtaining this knowledge of Lord Ferrers' handwriting is during the end of his service, which being the months of June, July, and August, I think it very improbable that he would dry Lord Ferrers' letters at the fire at that period of the year! Did it ever occur to you, Gentlemen, to be writing letters with your servant looking over your shoulder, or to let him acquire a knowledge of your handwriting by drying them at the fire! But here again we are enabled to detect falsehood. I thought it important to ascertain to whom the letters signed "Washington Ferrers" were addressed, and the witness said to Mr. Evelyn Shirley, Mr. Devereux Shirley, and Mrs. Tracy: they all will be called before you, and they will tell you they never in their lives received a letter from him signed in that way; that his invariable course was to sign as noblemen do sign, merely with his title of honour: and when you have such an extravagant and absurd story as this man has told you, of at least a hundred and fifty letters crowded into the very smallest space of time, (Lord Ferrers not being particularly fond of writing) it is utterly impossible to credit him, or to suppose that he could in this, or in any other manner, have acquired a knowledge of his lordship's handwriting. I therefore venture to say, though of course it is entirely for your consideration, that Mr. Colborne may accompany Mr. Arden; that they may go together, as being equally useless in the cause. Probably Colborne is a little too respectable to go far with Mr. Arden, but he may go out of Court with him, for, as far as this cause is concerned, his evidence does not weigh one feather.

Then we have Prudence Cotton, who was called before you this morning, who acquired a knowledge of Lord Ferrers' handwriting by half-a-dozen notes which were sent in the course of three or four years to her father, requesting that he would register certain letters, and also by letters that were put upon the table to be stamped, she seeing those letters casually, and in that way only acquiring her knowledge; and she is called on in the distress (I must be permitted to say) of my friend's case, to prove the similarity of the writing, or that she believes the writing of those letters is that of Lord Ferrers; now it occurred, of course,

to my friends and myself, when she said she did not assist at the post-office, to ask, where is the postmaster? where is the father, to give evidence on the subject, and how very extraordinary it is, that when they think it so important to prove the handwriting of these letters, they should resort to a person, respectable though she be, (do not suppose I am disparaging her in the slightest degree, only her means of knowledge) that they should call such a witness to a fact which they consider so important, and which, no doubt, is one of the most important features of this most extraordinary case.

Then, I think, Gentlemen, we may agree to dismiss those three witnesses; and we are then reduced to Major Majendie and Mr. Perkin, and we naturally inquire what opportunities of acquiring a knowledge of the handwriting those gentlemen possess. Now Major Majendie is a person of most unquestionable respectability, and of the highest honour; we must, however, try him as a witness upon this occasion, not by his character, but by the means of knowledge he possesses; and it amounts to this: that he has received three or four letters from Lord Ferrers, and has seen two pay lists, and Mr. Perkin has seen those two pay lists seen by Major Majendie, and nothing else. That is the whole of the means of information of these parties. have no doubt Major Majendie speaks with perfect correctness, when he says he thinks the handwriting resembles the handwriting of Lord Ferrers, and he believes it to be his. In passing through the letters he made the occasional observation, "I don't like this!" Occasionally that remark was made; but in the result I admit that Major Majendie and Mr. Perkin did give evidence of their belief of these letters being in the handwriting of Lord Ferrers; but then I pray you to bear in mind the observations I have made to you as to the probability of their conclusions arising from the very slight means of information which they possessed; and I ask you whether, in a case of this infinite importance upon this fact, on which almost the whole of the case, on the part of the Plaintiff rests; you are not a little dissatisfied with the very meagre testimony which they have condescended to afford you on this subject, upon which you were anxiously looking for the best information that could possibly be given.

Gentlemen, I pass now from the observations introductory to these letters, arising from the deficiency of opportunity of observation on the part of the witnesses, to the internal evidence of the falsehood of these letters, derived from the letters themselves.

I beg you particularly to bear in mind the assertion which my learned friend the Solicitor General made of the want of truth on the part of Lord Ferrers, and the degree of imagination which he possessed, and ask yourselves, when you come to advert to some of the passages which I shall shortly call your attention to in these letters, whether you can accept of this as an explanation of the most extraordinary and unaccountable invention, as they must be on the part of my Lord Ferrers, for no earthly end or object which any man in his senses could for one moment imagine or conceive.

Now, I will take as one illustration of what I am about to say, the dating of two letters from Mivart's Hotel. Lord Ferrers on the 17th of May 1844 was in London, and remained in London from that period until his marriage on the 23rd of July, with a very short interval of some four or five days, in the month of July, when he went down to Chartley, and he resided at Brown's Hotel. Now can you imagine any motive which should influence Lord Ferrers, living at Brown's Hotel in London, to date his letters from Mivart's Hotel, where he never was in his life, as I shall be able to prove to you. If persons were endeavouring to trace his movements and obtained imperfect information upon the subject; if they had casually learned that he was in an hotel in London, and perhaps had received false information upon the subject, one can understand how this mistake should have occurred; but it is impossible to ima gine what motive could have influenced the choice of Lord Ferrers in favour of Mivart's Hotel over Brown's Hotel, where he was unquestionably residing during the whole of That is an observation which refers to one this period. or two of these letters; but perhaps it may be as well that I should remark on another, because that also is with reference to the place from which the letter is dated. You have heard that one letter professes to come from the Deanery of Bangor. Lord Ferrers is connected with the Dean of Bangor. This letter is one of the letters in the year 1844; -Lord Ferrers was not at the Deanery of Bangor after the year 1840!—he never has been there since, as I shall be able to prove by the Dean himself! Now, can you imagine why Lord Ferrers, assuming that all my friend says is true (which, however, I will prove to be false). that Lord Ferrers is so utterly wanting in veracity that he cannot adhere to any correct and faithful representation of anything, but speaks of persons who are merely the creatures of his own imagination. Suppose all this, which is supposing him to be on the very verge of insanity, if not quite insane, can you account for his dating one of these letters to the lady he was on the eve of making his wife, from the Deanery of Bangor, where he had not been, asking her to meet him down in Wales; the parties starting on their journey as far as Stafford, and returning home again for three reasons, which Mrs. Smith gives: her sister being there, the child being unwell, and Lord Ferrers not coming to Stafford to meet them.

But now, Gentlemen, just let me call your attention to some of the passages in these letters. My learned friend says, "I use the internal evidence derived from these letters as conclusive that they were written by Lord Ferrers; because, how would it have been possible for any stranger to him to have acquired knowledge of some of the circumstances" related in them. "For instance," says my friend, "here is an account of the purchase of the conservatory; how could the Plaintiff, assuming for the moment that she was the person who wrote this letter, know anything about the conservatory, or anything about his grandfather's will, and about his taking his seat in the House of Lords." Now, with regard to the conservatory, I should merely mention that it having been built by the late Lord Ferrers, and being one of those edifices which are usually denominated Follies, was a thing well known throughout the country. It had been hawked about for sale for a considerable period. It cost the late Lord an enormous sum of

money. It was bought by the present Lord of the executors, immediately after the 2d of October 1842, which was the date of the late lord's death, and it was bought by him of the executors for the sum of £400; and Lord Ferrers had nothing whatever to do with his grandfather's will, not being an executor, and not taking any property whatever under that will, except the portrait, which you hear is mentioned in one of the codicils. Now let us see what be is made to say in his first letter. The date is the 11th February 1844. "If wishes could transport me to you, there would be no need of thus writing; but as I am most anxious to hear of your well-being, and also to tell you that business relating to my grandfather's will may detain me longer than I thought of from you, I send this." I have explained to you that that was utterly false; that there was no business relating to his grandfather's will at that period, it all having been transacted in 1842. "My good cousin Evelyn." There are two gentlemen of the name of Evelyn Shirley, Mr. Evelyn John Shirley and Mr. Evelyn Philip Shirley. Mr. Evelyn Philip Shirley is the cousin of Lord Ferrers, and was his guardian; and you will find he treats Mr. Evelyn John Shirley as the person to whom he stands in this intimate relation. "My good cousin Evelyn advises me not to take my seat just at present." Now, of course, that can only allude to his seat in the House of Lords. This is on the 11th of February 1844. I have a copy from the Journals of the House, which I will produce before you, and prove that Lord Ferrers took his seat on the 11th of August 1843.

A Juror. I think you will find a statement in one of the letters that he voted for Sir Robert Peel previous to that.

The Attorney General. I thank you; I shall come to that, for there is an extraordinary inconsistency. You will find in that letter he is made to talk of voting for Sir Robert Peel; and then he talks of taking his seat before they married. I meant to advert to that; I will not go further. I will just take those parts of the letters where I can point to something evidently false. He goes on to say, "Talbot is in town; Moncks really gone to Rome with the Stour-

tons." Lord Talbot is Lord Ferrers' nearest neighbour at Chartley, and therefore we assume that Talbot must mean one of that family; but that is all the information we have upon the subject. He then is made to go on in this letter to say something of "lightening care," and " seeing her happy;" that "she may be his bride in May;" then "all that is mystery would be cleared, and your father not have to look for the marks of horse's shoes in that hovel of his, but that Zimro may be found in his stable; this will amuse you." Now Lord Ferrers never had a horse called Zimro in his life; there was a horse which Mrs. Hanbury Tracy used to ride, called Zoe; but upon what concernable supposition can you assume this to be the writing of Lord Ferrers, and that he should have introduced all this nonsensical imagination about a horse which he never had in his possession?

Then the next passage is very important, because you will find it pervading many of the letters, and it shews to demonstration the artifice and ingenuity which have been exerted in preparing them all. "Do not let any one see my note, I am ashamed of it, the writing is so illegible." You will find in almost every one of these letters there is a reference made to the careless, the hasty, the imperfect manner in which the letters are written. You will find it at all events in the great majority of them, and I call your attention to it, as a circumstance to bear in mind when you come to examine them. "I was at Brighton the other day. Saw my sister; Devereux is going to stay there for a time." Lord Ferrers has never been at Brighton since his return from abroad. His sister, Mrs. Hanbury Tracy, never has been at Brighton until within these last few months. Devereux Shirley, and I press this upon your attention, because it will be important in the consideration of other parts of the case, joined his regiment in Scotland, in the month of March 1843, and never left it until the month of March 1845, not for a day. "Devereux is going to stay there for some time." Now, you will say, how is it, that there should have been anything said upon the subject of his sister being at Brighton? Many of us, I have no doubt, have visited that very fashionable watering place, and are

aware that the movements even of many persons who may be considered almost insignificant in the fashionable world, are traced with the most minute particularity. No doubt, therefore, in the Brighton newspapers about that period, and copied into the London papers in the occasional dearth of intelligence, there was an account of Mr. and Mrs. Hanbury Tracy having taken a house at Brighton; the fact being that Mrs. Hanbury Tracy, not the sister of Lord Ferrers, but Mrs. Charles Hanbury Tracy, being unwell, Mr. Charles Hanbury Tracy had taken a house at Brighton, and was residing there with his wife.

Now we will proceed: Captain Westall, Talbot, and the Honorable Charles Davey are dining with me at Mivart's." By Talbot we will assume for the present to be meant some connexion of the family of Lord Talbot his neighbour; but who Captain Westall is, or the Honorable Charles Davey, I cannot say—and, by the way, that is not the usual mode in which a nobleman or gentleman would describe a person, even if he bore the title of Honorable-for he would speak of him as Charles Davey,—the Honorable Charles Davey however is a creature of pure imagination, because there is no noble family that has that sirname; undoubtedly if you assume that all this is the pure fiction of Lord Ferrers' brain, you must do so,—that is the solution given to you by my friend the Solicitor General. "I hardly know whether to purchase the conservatory at Staunton, but I It is nearly £1000." Gentlemen, shortly suppose I must. after the 2d October, 1842, Lord Ferrers purchased that conservatory for the sum of £400, two years before the date "Met H. Tracy in town the other day." At of this letter. the very time when this letter is supposed to have been written, Lord Ferrers was staying with Mr. Hanbury Tracy in Wales, with his brother-in-law-not with Mr. Charles Hanbury Tracy, who had the house at Brighton, but his brother-in-law. Now here is another passage, to which I entreat your particular attention :- "I deeply regret the loss of that foolish £5000; but 'tis of no use, only to make My grandfather and father me more careful in future. lost much money in that way. It would not do for the son to follow their example, or it would make him a second Lord

Huntingtower." Now this is a pure fiction, and a downright falsehood. Lord Ferrers never lost one farthing at at play. He never touched a card in his life. He has no banker. His solicitor has been Mr. Stephens-his confidential steward, Mr. Eld. If any such sum as £5000 had been lost by him they must have known it. They shall be called before you. We have their books. There can be no doubt upon the matter. This is a pure invention. And now let me ask you this: Why, if this be Lord Ferrers' hand writing, should he invent a falsehood to discredit his own character-writing to the girl to whom he is supposed to be deeply attached, to be on the eve of making his wife? Lord Ferrers was not the writer of this letter. Who was. you shall have ample opportunity before the case is over of determining. "I rather fancy the child of Evelyn, who wedded Walker, is very unhappy with her husband." Mr. Evelyn Philip Shirley, his guardian, has two infant children. Mr. Evelyn John Shirley, the father of Mr. Evelyn Philip Shirley, has two daughters, one of whom is married to Sir William Heathcote, and the other to Mr. Niel Malcolm. They never had a daughter married to a person of the name of Walker, and they know no such person, and yet this letter goes on,-" I saw her in London the day before yesterday. Poor thing! she is evidently lost, and looks more like a corpse than any thing else" (I should think so. More like a phantom, I should rather say, than a corpse): "one of the many who have married a man unloved for wealth or station, or because parents willed it, and so lose their peace of mind. She is clever, and was pretty. Walker is a cold hearted proud man, who makes a wife a secondary consideration, not perceiving that wife dying from secret grief. But this will hardly interest you, and my writing is such, I hardly like to send it you." What an odd conclusion of a sentence! "Let no other eye than yours see it." She then goes on—he then goes on—I beg her pardon for saying she As YET!-" This Adkins brings. Write and say how you are. He will post it." That is post her letter. no one see this, it is so bad a specimen."

Now I have called your attention to the first of the series of letters, which are put in as being my Lord Ferrers'. I

have adverted to the different inaccuracies, if I may call them by no harsher name at present; and I put it again to your reason and your understanding,—whether you can possibly imagine, if they are Lord Ferrers', how he should have introduced all this nonsense and absurd fiction? What possible end or object could it answer? And when you have determined that satisfactorily in your own minds, you will be prepared I think to assign the letters to another hand.

Now, I will pass rapidly over the other letters, just adverting to one or two incidents remarked upon in the course of them. But No. 2 introduces that most important personage, as you will find, Mr. Devereux Shirley; the date is the 26th February, it says, "the handkerchief I shall prize above all;" but I will not tell you about the handkerchief, I shall keep the explanation of all that till by and by. In fact, I will do that which Miss Smith herself would like to do. I will not let you into the third volume before you have read the first and second. "The handkerchief I shall prize above all others. Thank you much, dearest: your note I have read and re-read. I am grieved to hear so bad an account of you, not from your note, for that says nothing, but from my brother whom I saw, and who told me he had seen you." Mr. Devereux Shirley, the only brother of Lord Ferrers, who was with his regiment in Scotland, from March 1843 to March 1845, without being a day absent, is represented by Lord Ferrers in his letter to this lady, to have seen Miss Smith herself, and Miss Smith must have known that this was a falsehood! Observe, here is a letter written to the lady herself, in which he says, "My brother has seen you, and I am sorry to hear from him that you are so unwell;" and he writes this to Miss Smith herself, she of course knowing that it was a pure fiction: that it was a mere fabrication: that it was utterly false! she never knew, she never saw Devereux Shirley. Something was said about his having been seen when a boy; but I pass that over, for these are trivial matters, and we have more important subjects to deal with.

Then he mentions about Lord Clive and about Lord Claude Hamilton; now, I have the honour of the acquaintance of both these noblemen, and I must say that a more

gratuitous piece of impertinence I never read in any letter. Anybody who knows my Lord Clive will know that what is here stated is nothing like a description of him. He is here said to be "thought much of; but I think, though a young man of abilities, a thorough army, which means, a gay, fashionable, dashing, gambling young man, not one I could wish to make a friend of."

I should be really perfectly ashamed to make any observations on an attempt such as this to degrade the character of a nobleman, who is justly held in very high estimation, by endeavouring to satisfy you that this is not anything like an accurate description of his character. Gentlemen, it is just about as good a drawing of my Lord Clive as Mr. Devereux Shirley would make; you will find an allusion made to some ladies' shoulders, and to a sketch of them which Mr. Devereux Shirley would make; you will find that he never handled a pencil in his life! Then as to Lord Claude Hamilton, I have the highest possible respect for him, and I think it extremely hard he should be exhibited to the public in these colours. Then he goes on again about Walker! "Mrs. Shirley comes to town next week; I am to have the honour of escorting her. Mrs. Walker no better; I hate her husband, consequently see nothing of the lady; but I see there has been some cause of distrust between the two, and with that there can be no happiness." Then he speaks about "that foil and Hurding" or "Arden." Now there had been some injury to Lord Ferrers' hand in fencing with Mr. Arden, not Harding, in 1842, and this is in the year 1844. Then he says, "Since I have been here my hand has been most painful, that foil and Harding. suppose you wish the conservatory purchased." again you have the conservatory mentioned, which was purchased in 1842. Then there is something said about books, which I shall more particularly advert to by and by: and then he is made to speak about Lord Brougham. "It is thought O'Connell will be punished severely: I am sorry for him. Lord Brougham dined with me yesterday, I like him well!" Now we heard this letter read for the first time; I am afraid I must trouble his Lordship to step to us from the House of Lords to inform you that he never had the honour of a personal acquaintance with Lord Ferrers: and that most unquestionably he never dined with him in his life! "I was surprised to find what a good Italian scholar Evelyn is, he knows it well." That is most extraordinary intelligence to Mr. Evelyn Shirley, both to father and son; for neither of them understand one word of Italian!

Again, we come to another letter in which the handkerchief is referred to, which I keep in reserve for a future occasion. "The second handkerchief has been received, and with it your own kind and sensible note." And then he speaks about being confined to his bed; and then with regard to books, to which I shall presently have occasion to draw your attention more particularly. I pass it over. therefore, for the present; and then we come to Mr. Jessop. "If I am at all fit I shall be obliged to go to Derby next week to see, amongst others, Jessop, my confidential attorney, one of the tribe whom Evelyn calls blood-suckers to we young and indiscreet people." Whether Mr. Shirley, father or son, calls them by that name and consider it Italian. I do not know. "Nevertheless they are very necessary beings, and I cannot do without Mr. Jessop." Now that is a very extraordinary thing, for he has done without him! He has never had him! Mr. Jessop is a most respectable solicitor. Mr. Jessop was perfectly well known to be the solicitor to the guardians of Lord Ferrers, but he never was the solicitor of Lord Ferrers himself. Mr. Stephens, from the time of the late Lord Ferrers' death, became the solicitor of my Lord Ferrers; he has continued so ever since, and Lord Ferrers has never had the slightest occasion for the services of Mr. Jessop, and therefore, he might very well "do without" him! Then there are some quotations from Byron; and then there comes, "my sister is not yet in good health; I have been too poorly to visit her." Now Mrs. Hanbury Tracy has been always in the most perfect health. Mrs. Charles Hanbury Tracy was in very indifferent health, and was, I believe, at this very time at Brighton in consequence. Then, in another part, "Devereux has joined his regiment ere this." This is in 1844. The writer of this letter is only out one twelvemonth, for he joined his regiment in March 1843! Then there is some allusion to the

family of the Pagets, and then we come to "the brute Walker!" "I think what you say about (blank) is very just, and I perfectly agree with you in opinion. I am sorry to tell you Evelyn, my cousin, will lose in a speculation with Mr. Wilberforce, to the amount of some thousands." He has never entered into any speculation with Mr. Wilberforce! "Not that it would much hurt him. Would he were made of less worldly materials; less stern; and then his poor child would not have wedded that brute Walker!" I am happy to inform you, Gentlemen, that the child of the Mr. Evelyn Shirley alluded to in this letter is safe from "the brute Walker," or any other brute, for many years to come, for, I believe, at present she is of the mature age of six months!

We then come to another letter, dated from Park Lane, (where Lord Ferrers has never been) and there he alludes to having been to Brighton, and I have already observed upon that; and then there is a great deal of poetical prose in the letter; and then he comes to certain ladies whom I have already adverted to, and to the graphic powers of Mr. Devereux Shirley. "And now for news: Evelyn is gone down to Eatington for a day or two, and I am again going to Brighton. My sister is not in health, but they I saw some right queer young keep much company. ladies there, Scotch women; Miss MacTrevors, very rich, very ordinary, bold; in short anything but nice; and these are called fashionable women. Heaven keep one from such. Oh, in the evening they exposed to view such shoulders! 'twas more than kind. I quite longed for Devereux to see, quiz, and sketch them, which he would have done to perfection. But enough of this. My sister gives parties, goes out, and in short lives in the world, and wears, for she is out of mourning, mostly green! Her husband I can say nothing of. must some time judge him yourself. Brighton is very gay." Now. I have mentioned that Mr. Devereux Shirley would not be able, for the gratification of the world, to exhibit the shoulders of the Scotch Miss Mac Trevors, who, I believe, to be phantoms, like those which move along the pages of these different letters; coming like shadows and so departing! Then here is a name: "I see in the papers

Miss Kendal's wedding." Who Miss Kendal is I do not know; Lord Ferrers can give us no information. He knows nothing at all about her.

Then I pass over,—really I am almost afraid of trespassing on your attention too long, for we have a great deal yet to do. I pass over these letters shortly. "When I come home (he says in another letter) I shall think of coming to your house. Pray pardon this, I shall again write shortly; I have had this sent by Joseph, my confidential agent, and not by post."

Then there is a letter of June the 8th, dated Chartley Castle, when the Defendant will be proved to have been in London; and there is allusion to the badness of the writing which you will not forget; and then comes some rather extraordinary intelligence both to Lord Ferrers and the person alluded to in the letter. He says, "I am full of trouble. My steward Eld talks of leaving me." Mr. Eld will be called as a witness before you, he has never had the slightest intention of leaving Lord Ferrers, nor Lord Ferrers of parting from him! Therefore this, again, is a pure fiction.

Thus, I think, I have run pretty well through the letters, with the exception of one, to which one of you was kind enough to refer, and to which I will now call your attention. That is a letter of a more recent date. It is the letter No. 9, dated the 24th of June, and there he says: "Will you not be surprised to hear I have voted on the Tory side with Sir Robert, and I think I have done rightly. What will you say, dearest." Of course we are all perfectly well aware that a peer cannot vote without taking his seat; but yet, strange to say, we find in the same letter, "Perhaps I may take my seat before we are married." And then he speaks of "old Nevill of Tamworth making the settlements." There is another excuse also for the writing: "Pardon the writing, my candles have gone out;" and it ends, "from your attached Washington Ferrers."

At present, therefore, I shall not trouble you by adverting to any more of the particulars contained in these letters; but I have called your attention to them, and now let me for a moment pause upon what is already before you. I have reminded you how the question has been submitted to you by my friend. Can you accept the explanation which he gives? Can you believe that if these were the genuine letters of Lord Ferrers you would find them full—not of blunders, not of mere mistakes—but of these inventions, of this poetry, of this imagination, this reference to creatures and to things which he must have known had no existence; and, above all, that he should state to Miss Smith that which she herself must have known to be a direct falsehood!

Now I think I may assume that you are almost prepared, without any additional evidence on the part of the Defendant, to say that these letters are not the letters of my Lord Ferrers. I ask for no more at present; I wish to arrive at my point by gradual steps. I think I have thus far shewn you by internal and by external evidence, that these letters could not have been written by my Lord Ferrers.

Now, there is one circumstance that I must advert to. before I leave this part of the case. I told you of the inestimable advantage which the Plaintiff possessed, of being able to select those specimens of the letters which were the most favourable to the view, to be presented to the jury. This case has been conducted in the continual presence of Mr. Hamel, the attorney for the Plaintiff. Witness after witness has told you, having seen the letters which were produced in Court, that there were some other letters, and especially one which both Mr. and Mrs. Smith speak to, and also pieces of poetry which have been exhibited to them by Mr. Hamel. Mr. Hamel is here in Court, and has all the documents in his possession which were given to him to furnish him with evidence in this case, and he will not venture to present himself before you as a witness. to afford us the inestimable advantage of cross-examining him, and of ascertaining what were the materials with which he was furnished, what he has presented, what kept back. I shall have occasion presently (and I am glad that Mr. Hamel is within hearing) to advert to another circumstance; but I think, in a case of this kind, upon which more than suspicion must attach, if a person had any regard for his character, hearing this and other things stated, of which he himself had the most perfect knowledge, he would not only have desired, but would have insisted that he should be put by the counsel into the box, to give that explanation which you have a right to expect. We have not seen these letters except by the casual view which was afforded to the attorney and his clerk, attending before the judge, upon the notice to inspect. They will tell you, upon that inspection, they believed the letters were not the letters of my Lord Ferrers. I will most fearlessly put those letters, -without the advantage of shewing them beforehand, and guarding myself against the consequences of a failure—I will put those letters into the hands of persons who are familiar with the handwriting of my Lord Ferrers, and if it were necessary, which it is not, I would peril the case upon the issue of that investigation. But we have advanced only certain steps in our dark and mysterious way, and have arrived only at a certain point of day in the case, which only leads us to this uncertain and unsatisfactory conclusion, that the letters are not the handwriting—are not the genuine letters of my Lord Ferrers. Still we are disconcerted, still we are perplexed, still we are anxious to solve the dark mystery, and ascertain whether there is anything which will guide us in our inquiries, will conduct us to a right and just issue, and fix upon the real party the guilt which must necessarily attach upon the transaction. We have had the opportunity of examining the parents of this young lady, and from Mrs. Smith facts have been obtained to which you can give at present no point and meaning: which, as far as they have hitherto gone, appear almost to be adverse to the view which I am presenting to you: but facts of inestimable value to the case, facts which, when they come to be displayed, will strike you as being entirely conclusive. Now what have we heard from the mother with regard to the conduct of the daughter herself? We have heard that at the beginning of the year 1843, this young lady, who had no allowance from her father and mother. suddenly appeared with a variety of articles of different kinds, consisting of dress, jewellery, and of books. course, this naturally attracted the attention of the family: they enquired where she obtained them, for they knew that she had no money of her own. Upon this enquiry not the first fatal falsehood but the false statement was made, that all these were presents from my Lord Ferrers. This satisfied them for the time. You will have presently to enquire, and an anxious enquiry it will be, how far you consider Mrs. Smith implicated in her daughter's fraud. believe I must entirely exonerate Mr. Smith; I believe he has been deceived; that he is not aware of all the circumstances connected with this case. I am afraid that it will be my painful duty to animadvert upon the conduct of Mrs. Smith, and to show that she must be implicated with her daughter in this scheme. For the time, therefore, the father was satisfied; but at last bills came in; bills it appeared at first to Mrs. Smith, but afterwards, upon enquiry, it turned out the totals merely were sent; and whether sent by all the parties or only by Sale, or by Sale and Thompson, is not of great importance. The bills being so sent to Mrs. Smith, which is rather extraordinary, the former bills having been sent to Miss Smith, an enquiry takes place, and then Miss Smith makes this extraordinary statement: "That Lord Ferrers was desirous of making her presents; that he had no money to enable him to do it at the time; that he requested her, therefore, to order them herself; and stated that if she did not pay for them he would." Now, I believe in the history of an attachment of this kind, this is the very first time that any such course of present making has ever been adopted, even by the poorest and most destitute person. Well, the family are, for the time, apparently satisfied with this explanation; and, ultimately, when the parties become pressing for the payment of their bills, a letter is presented by the daughter as having been received, in the same way as all the others, not by post, but by private hand; in which, after another letter, requesting her to apply to her grandpapa or to her papa for the money (neither of whom Lord Ferrers had ever seen), he is made to write: "It is my will and wish to instantly pay for all at Tamworth as soon as may be. This much I say, and feel very grieved that any such indiscretion of mine should have caused vexation to Mary.

Allow me to remain, truly yours, Ferrers." Upon this, according to the representation of the mother, no communication taking place at all with Lord Ferrers, the grandfather advances a sum of £100, and with that sum and other money, in April, 1844, all the bills are paid of which the parties had any notion. But here again I must entreat you just to recall to your recollection the statement which my learned friend the Solicitor General made, with regard to the striking circumstance of the bonnet. That was known! it was known precisely what the Miss Wymans' had said upon that subject. It was therefore necessary for my learned friend to prepare your minds for it; and the statement which he made, and which I took down at the time, and of which I have the most lively recollection, was this: that all the bills having been satisfied, there were one or two things which were forgotten; that amongst others, there was a bonnet which had been ordered of Miss Wyman: that the father, being in an infirm state of health, was extremely irritated and angry about these bills; that the daughter was afraid to reveal the whole truth, and therefore concealed from him the fact of the bonnet having been ordered. This was the statement almost in its very terms.

A Juror. The cost being 30s.

The Attorney General. Thank you. The bills had been all satisfied about April, and this bill is supposed to have been forgotten; it is a most remarkable fact; but the bonnet was not ordered till the 22nd of June, 1844, not till long after the bills had been satisfied; it was ordered on the 22nd of June, and on the 29th of June, 1844, it was sent home, and sent home in a box; which was made, or ordered to be made by Miss Wyman at the request of Miss Smith herself, who gave the order for the bonnet; and then it is plain they instruct my friend to tell you that (it is hard upon him) which proves to be a falsehood. They give an inaccurate and unfaithful representation of a circumstance strikingly important, strongly indicative of fraud. And now let us advance to the consideration of Mrs. Smith's evidence; and I beg that, in future, whenever Mrs. Smith is mentioned in the world, that she may be re-

presented in her own language, and be called the "truthful woman." Mrs. Smith states, after considerable hesitation and reluctance, that she went over to Ashby with Mr. Hamel, and with her daughter. Mr. Hamel was in Court, and was vouched for the accuracy of some of her statements; and a Mr. Dewes also, who I believe is a most respectable solicitor. She is asked whether, when she went to Miss Wyman, she did not say, "Why, you have sent me in a bill for a bonnet which I never ordered?" she said she did. She was then asked whether Miss Wyman did not say, "Why, your daughter ordered it;" which she admitted she did; she was then asked "whether her daughter had not over and over again denied having ordered that bonnet," she hesitated, equivocated, and reluctantly, and at last admitted she had done so. She was then asked, whether Miss Wyman did not make this extraordinary and striking remark to her, "Why, Miss Smith, I wonder you are not afraid of being struck dead!" alluding, no doubt, to the awful punishment for falsehood recorded in Scripture. She does not remember whether it was said, but will not swear She is asked whether she did not say to her daughter, "Now, Mary, acknowledge you have ordered this bonnet, and I will forgive you." She will not swear she did not say it, but the result is, that that which she will not swear to at all, takes place in the presence of Mr. Hamel. She says, over and over again, "Mr. Hamel will tell you whether what I am stating is correct or not;" and again, Mr. Hamel sits silent in his seat, and has not the boldness, I had almost said the honesty, to present himself as a witness before you. But what takes place? they return to the inn, leaving matters in this unsatisfactory state, and then either Mr. Hamel, now observe! either Mr. Hamel, or Mr. Dewes, goes down and pays for the bonnet. Mrs. Smith is reluctant to give an answer, whether Mr. Hamel, or Mr. Dewes, paid it, or whether she does not know that it was paid; at last she is compelled to admit it, but all she states is, she does not know whether it was paid by Mr. Hamel, or Mr. Dewes, which of them it was Mr. Hamel could have told you. It then appears that this bonnet being paid for, after the action had been commenced

in January 1845, Mrs. Smith alone pays a visit to the Miss Wymans, and she admits she said "I could hardly pass the shop without coming in and apologizing for what occurred with regard to my daughter;" and after infinite reluctance, and giving me much greater difficulty than I like to have to get an answer, she admitted she might have said "Do not relate anything about the bonnet till this affair, or this matter, is over." And then she will not admit that she gave to the Miss Wymans the whole of the explanation she had received from her daughter; but she says she did mention Mr. Devereux Shirley to them, and she might have given some portion of that explanation. at once introduces us to the explanation she says she received from her daughter, and upon which most important conclusions depend. Now the Miss Wymans will tell you that in that bonnet box there was no note, or invoice, or paper of any kind. The box arrived at Austrey. Mrs. Smith does not know when it was opened, but it was opened in the presence of her daughter, who presented her, out of that box, with a note, as from Mr. Devereux Shirley, and the explanation which she gave of it was this: she had told her parents, originally, that the bonnet was one which Lord Ferrers had sent to her from London. She then tells them, that Lord Ferrers not being able to furnish the money, the 30s., to buy her a bonnet, had desired her to order it for him, but to deceive her parents with the notion that the bonnet came from him, and was not ordered by her. she refused to do this unless Mr. Devereux Shirley would give her a note to put into the box, and that Mr. Devereux Shirley, at Ashby, put into her hands the note which she afterwards found in the box. Now, then, we have an opportunity of confronting Mr. Devereux Shirley with this young lady. Mr. Devereux Shirley was at that time in Scotland, and had been there with his regiment from March 1843, and never put a note into her hand in his life. Here we are tracing her path, we see the windings of the serpent, we find her capable of falsehood. We now advance to the next, the all important point, who is likely to be the writer of these letters? I detect the Plaintiff here in a gross falsehood, which prepares the mind naturally for the evidence which still remains of facts, upon which I have to remark in the course of my succeeding observations.

But before I leave this part of the case, where we now have Mr. Devereux Shirley and the lady at issue, I should just advert for one moment to two letters, part of the materials supplied to Mr. Hamel by Miss Smith, as having been received from Mr. Devereux Shirley after the 23rd of July, 1844, that being the day, Mrs. Smith has told us, upon which she and her daughter came from Harrowgate, one being received on the Wednesday, and the other on the Friday after their return, and she having been on each occasion out in the morning, and finding the letters, on her return home, having been previously delivered to her daughter. Now again we shall have an opportunity here of calling Mr. Devereux Shirley. I do not know whether any friends are going to present this wild speculation to you; "Oh! these are Lord Ferrers'." I see my friend nods! "This is part of the contrivance: this is a part of the fraud which has been practised upon this unhappy young lady." Now, just let us reflect for one moment. He was married on the 23rd of July, 1844! What should induce him after that period to forge any letters in the name of his brother, and more especially such letters as these? I will now introduce them to you. One is dated Tuesday, and the other, Thursday: "My dear Mary, I send (somebody) to tell you... They are crossed letters, and written in a feigned hand: all the letters are leaning the wrong way; and therefore they are extremely difficult to read. I will read one; perhaps the other may be deciphered. Here is one fortunately more legible. "My dear Mary." Now he had never seen her in his life! "Pleased am I to tell you my brother has slept, is sleeping now, and for the last hour has been sensible. He is not allowed to speak many words; but, praised be God, he knows me. On Monday, we feared greatly for him; but to-day he is better. I had thought him lost to us; but Dr. Knight says, there is much hope though he is yet very ill and weak. He speaks of you when we are alone, and knows I am writing to you. Your letter he opened, and he has it by him. I shall send you nearly daily notes of

his health. Fear not, you are not forgotten. It is very sad all this; but we will hope for the best, and that I shall yet see my brother united to the one he loves so well and truly, and that yet you may visit Harrowgate together. Dr. Knight is giving him strong medicine and composing draughts, and I am watching by his bedside now. His sister will be here shortly, we expect; but the Shirleys are engaged on an interesting occasion in town. I will not fail to give you often intelligence. Keep up your spirits, and do not look unhappy. People are so upon the watch. Let everything be kept as silent as may be consistent with all things; both for your own sake and his. Never mind what the people say, take no notice. Moncks saw you, he tells me, at Harrowgate; also, in his letter, that you have left. So the messenger will bring this to you. Do not make yourself too unhappy. When my brother is well, the first thing will be your wedding." He was married, you know, four days before this! "Call me your friend indeed, I feel as such most sincerely. I cannot think how this illness was brought on; they sent for me from Scotland. He was much worse after I came; but now is sleeping, dear Washington. Mary, I am now well sure of his strong attachment to you. Your letter affected him too much, and Dr. Knight said, 'Your brother must have no more letters like those at present." They were not composing draughts! "You for the next week must be satisfied to hear from me about him, and not write yourself except a line or two, which direct to him as usual at Chartley. Our family do not know of your engagement, and it will be wise to keep it from them." So that Mr. Devereux Shirley is made a confidant even after the marriage of Lord Ferrers with another lady! "We must shake off all fear of them, and it will be well for the wedding to be a quiet one." I think very well, indeed, because if it were not the consequences would be rather serious! "Poor lad, 'twill, I fear, be some short time ere he will be well enough; but he sleeps, and it is well. I now feel how dear he is to me in every sense of the word. We feared water on the brain, for he was sadly delirious; but now seldom speaks, and then it is the word Mary. You will hear again very soon. Adieu. Now

keep up your spirits. 'Tis very trying for you, and I feel very much for you; but all will end for the best is my certain hope. Allow me to remain your true and sincerely attached friend, as each one who really knows you must be, Robert Devereux Shirley, Chartley, Tuesday."

Now here is the other of Thursday. It is very strange. The former one is dated Tuesday, and Wednesday was the day it was received. This is dated Wednesday, and Friday is the day it is said to have been received. "My dear Mary, my brother is at least no worse, still quiet; talking little—I think, if anything I may say, a slight change for the better. Dr. Knight wishes him not to see any one hardly. 'Tis necessary for him to be kept in perfect quiet. Mrs. Tracy is much affected by his illness, and too much out of health herself to travel, so I am his constant attendant, and shall send you often news of him. discouraged. I feel he will still get better; then may come happy days in store for all. Keep up your spirits, and practise your music and walk, and do not allow yourself to think upon unpleasant things. Take hope as your anchorsheet." There is a metaphor! "W. sends his love." That of course is Washington, "fond love to you and wishes he could write himself. He had rather a return of delirium on Wednesday night, but now is calm and sensible, and smiles and speaks often of you. I must now close my note as Dr. Knight is here. You must excuse short notes. remembering that they will come often, and I dare not talk much to W. But I think, as your marriage must now be put off, that your maid had better be dismissed," much better! "giving her what you think needful, and I will see that it be paid to your mamma again; 'twill be easy to procure another after this, though I will not interfere, as ladies can manage these things so much better than we of the sterner sex. Adieu! Kind compliments to your parents and love to you: from your true friend, Devereux Shirley, Chartley Castle, Thursday. I re-open my note to say my brother has just awakened; he has taken from his hand the jacinth ring, worn from childhood, which he desires me to send. You are to wear it till you are married to him. Fond love and affection accompany the token." Now we

have had a ring produced by that respectable gentleman, Mr. Arden, and he dropped it as he went.

Mr. Chambers. No. Mr. Arden did not produce it.

The Attorney General. Who did?

Mr. Chambers. Mr. Hamel.

The Attorney General. I mean he dropped the subject; I did not treat Mr. Arden exactly as a ring-dropper.

But Mr. Arden produced it in some way, and the subject was never thought of again until to-day, when my learned friend said, "let that ring be put in, as being in evidence in this cause;" so, I presume, it is meant to be said, that that is the jacinth ring sent in this letter; but it is extraordinary that Mrs. Smith does not say it was handed to her with the letter, and you will probably believe the whole is a fiction. We shall be able to shew it to his sister and guardian, and they will be able to say whether they ever saw him with any such ring.

Now I told you, in passing hastily over the letters, that I would refer back again to an incident mentioned in them. and that is with reference to the books. You have heard from Mrs. Smith, that she repeatedly said she had the Waverley Novels, Miss Strickland's Queens of England. and other books presented to her by Lord Ferrers. I shall prove to you by Mr. Thompson, the bookseller at Tamworth, that every one of those books was ordered by Miss Smith of him. But there is an extraordinary passage in one of these letters. It is the letter of the 28th of March, 1844, in which my Lord Ferrers is made to speak of a Sir Terrence Volney—a gentleman who is said to figure in some drama. I never heard of the gentleman, or any body else I believe. I do not know whether he goes by the name of "Walker" at other times.

"He, I fancy, wishes to make me a proselyte to his opinions; but as regards that most sacred of all subjects, mine own are fixed. I think we both agree in those He argues well. I have been reading some of Miss Bremer's, 'The Home' and 'President's Daughters.' There is much excellence in both works. Mrs. S. has As you have them, I did not think it worth while again purchasing them; 'Chatsworth,' I fear, you will not think so good." Now it is a very extraordinary thing, we shall be able to shew from Mr. Thompson's bill, that on the 2nd of March, shortly before the date of this letter, Miss Smith ordered Miss Bremer's "Home" and "President's Daughters," and also the novel of "Chatsworth." That is a little incident to be remembered when we are considering the genuineness of these letters, and one which, I take it for granted, you will not forget.

Gentlemen, we have now advanced thus far; -we have adverted to the letters, and to all the evidence external and internal relating to them; we have introduced that important gentleman, Mr. Devereux Shirley; we have shewn his letters; we have shewn the falsehoods which were told by Miss Smith. We are ripening the case as we advance. We have still more behind; but before I proceed to it, I would just call your attention to a most extraordinary circumstance in the latter part of the testimony of Mrs. Smith, which was given yesterday. You know that at present we are only dealing with the letters as not being the letters of Lord Ferrers; we are advancing to the point when we shall consider whose they are. Mrs. Smith was asked whether she had not had a conversation with Miss Neville upon the subject of those letters? She said she had. She was asked whether Miss Neville had not said she thought the letters, purporting to come from Lord Ferrers, were very like Miss Smith's handwriting? She hesitated; she for some time was reluctant to give a certain and definite answer; but ultimately, after being pressed over and over again, she admitted that something of that kind was stated. She was then asked whether she had not said, "That is a circumstance that has occurred to the family, and they have been often struck with it; but have accounted for it in this way, that when Miss Smith was young, she had some writing of Lord Ferrers' in her possession, and she was in the habit of imitating it, and trying to write like it." Then Mrs. Smith began to give way, and she said "Oh! dear, I was in such a state of excitement, I hardly knew what I did say." Why you cannot forget those remarkable expressions, and so striking a conversation?—" Yes! Mr. Neville had told me, shortly before, we should go to Warwick Jail

for this." But did this pass, and if it did, can you have forgotten it? And I think at last she admitted that something, if not exactly what I have stated, nearly resembling it passed; and she also admitted that they had been struck by a resemblance between some of the letters in the writing; but, at the same time, she said "we are perfectly certain the letters are not the letters of my daughter," and then she endeavoured to give this turn to it, that both Lord Ferrers and her daughter were in the habit of trying to write like each other; and having said that, and being overcome and excited, immediately afterwards she said, "that before Lord Ferrers returned from abroad her daughter never wrote to him a single note." So, as to how, when he was young, he was able to get the handwriting of the daughter to imitate, Mrs. Smith left us in the dark; but, at all events, we have this from her, and coming from that quarter, it comes with a force and weight that all testimony dragged from a reluctant witness must possess; we have from her that they did perceive a resemblance between the handwriting of the letters, which were alleged to be the letters of Lord Ferrers, and the handwriting of the daughter. and had accounted for it in the way which has been described.

So far then we have advanced; we have got now to something in the mind of even the members of the plaintiff's family, which attaches a resemblance to these all important letters which are the foundation of her case. I think I adverted to it, I am not certain; but I make the observation that one very important letter has not been put in, that letter in which Lord Ferrers is represented to have answered the letter of the father, thanking him for the gentlemanly letter he had received from him. Then you say, how is all Here has been proof given by various parties who cannot intend to deceive us; who cannot be supposed to come here to perjure themselves, of various letters which they have seen addressed to Lord Ferrers at Chartley These letters were put into the post by a variety of persons, and that they reached their destination we can have no doubt whatever, because in two of the letters there were two pocket handkerchiefs-a pocket handkerchief in each, -and those pocket handkerchiefs are actually produced before our eyes, and produced by the counsel of my Lord Ferrers on this occasion. Now how is all this? We cannot be mistaken; there are the letters; there are the respectable witnesses who put them into the post: we have one posted at Atherstone; we have another posted at Tamworth; we have another at Derby; another at Ashby; anotherat Leamington, and another at Lichfield: and we have, speaking to those different letters, John Lees, Mrs. Perry, Mrs. Holgate, and Susan Hopley; we have heard these witnesses: can we be deceived? If we are in our senses upon this occasion, what does it all mean? Does my Lord Ferrers, in the face of all this, pretend to say there was no correspondence whatever between him and Miss Smith; that he never received any letter from her containing these handkerchiefs, or any present at all? Why, surely he must be insane to suppose that any jury would be so far deceived as to imagine for a moment that, after such evidence as has been admitted before them, such a thing can be true, or at all resembling the truth!

Now, again, let me admit that every word those witnesses have said is most likely perfectly true, every one of them to be entirely credited. I advert to the extraordinary circumstance, first of all, attending those letters. Mrs. Perry told us this morning, and truly told us, that these are matters in which a young lady does not like another eye, or anybody to be aware of what is going on, and there seemed to be at times a great desire of secrecy; because you may remember Mrs. Smith accounted for some of the letters not being posted at Appleby, the post-town of Austrey, from her daughter, particularly requesting by the desire of Lord Ferrers that no letters might be posted there; accordingly, the letters were given to John Lees to post, either at Atherstone or Tamworth; and when I said, "You wished to conceal this! Why John Lees saw a handkerchief put into a letter, and directed to my Lord Ferrers. John Lees must have been aware of the correspondence between them; the answer is "Yes;" but then they say, "John Lees was a confidential person, and we did not so much care for him; but we should not have liked the post-

man to have gone round with his bell with the letter." it not a little extraordinary that we should have had these different letters posted by so many different persons? take the letter containing the handkerchief for instance; there seems to have been extraordinary preparations for it. Miss Smith is seen writing a letter at the table: her mother says she did not desire her to look over it, and therefore she did not look over it. This letter she does not know whether she or her daughter folded up; it was put into an envelope, and that envelope was sealed by the mother, the handkerchief being put into an external envelope. They had seen below stairs it would go very well in the envelope; they take it up stairs to Mr. Smith to enable him to pass judgment on it; to say whether he thinks it is likely to go safe. Now, why is that? Why, that Mr. Smith, who I really believe to be deceived upon this occasion, that Mr. Smith might be able, with a safe conscience, to come and tell you that he saw the handkerchief; no, not one handkerchief, both handkerchiefs, for both were shewn in the same way, which is a remarkable thing. Saw both handkerchiefs put into the external envelope; saw that they were directed to Lord Ferrers at Chartley Castle, and that therefore there can be no doubt upon this part of the case. But, then, with regard to the others, Susan Hopley was going to Rugely, and she was to carry a letter, addressed to Lord Ferrers. What that letter contained, she could not possibly say. She carries the letter, and comes and swears truly she put that letter into the post. Mrs. Holgate is going to Leamington; she is asked to put a letter into the post at Coventry, why? She cannot conveniently post it at Coventry, but takes it to Leamington; and Mrs. Holgate truly tells you she put that letter into the post at Leamington, and I have no doubt whatever that this letter reached Lord Ferrers, and I have no doubt that all the letters reached him. Mrs. Perry has also told us to-day that a letter was posted at Lichfield; that she posted it herself; a very respectable lady; no reason to doubt her veracity. She did not see the contents of the letter, but said that the letter was directed to my Lord Ferrers. have no doubt that letter also reached its destination.

Now, I should have liked very much that somebody should have been called before us who ever saw the contents of any one of these letters; one of them is a very remarkable one; it is the one, the draft of which was prepared by Mr. Smith, was written by him from that draft, which was afterwards destroyed; that was put into an envelope between four and five in the evening: that envelope and the letter were delivered to Mrs. Smith. Mrs. Smith does not recollect whether she sealed it immediately or at a later period of the evening; but the letter was put for the night in a drawer belonging to the book-case. Now it would be a very strong circumstance indeed, if anybody could have shewn us, following that letter closely, and tracing its course throughout from the hand of Mr. Smith to the hand of my Lord Ferrers; that would have been a conclusive proof of the receipt of that particular letter, which was written by Mr. Smith; but we find that this letter was deposited in a place where, I think, you will have no doubt at all, but that it was accessible to Mrs. Smith, if not to her daughter; and we find that the daughter is capable of a little sleight of hand. We find that she has some dexterity, and some talent for juggling; for in the bonnet box, which was sent from the Miss Wymans, in which there was no note from Mr. Devereux Shirley, we find she is capable of taking out a note that never was in; and therefore it is just possible that the very letter which was written by Mr. Smith, the father, was not the letter which, if it found its way to Chartley Castle, came into the hands of my Lord Ferrers. But still, I will admit, that these letters put into the post did, with that accuracy which marks the deliveries of our post-office, no doubt all reach their destination, and I did not want the gentleman to-day from the Dead Letter-office, to say, "If a letter is not taken in, it will be returned; we find the address of the party who wrote it, if we can, and send it back again;" in order to shew you that all these letters must have reached Lord Ferrers' hand, it being sufficiently proved by my production of the handkerchiefs, which are most clearly shewn by Mrs. Smith to have been contained in these letters. this looks very awkward. Here we stop short; and we find a case entire and complete against my Lord Ferrers. We have got letters; some written by the father, many written by the daughter; we have got them put into the post: we have got proof, clear and decisive, that two at least of these letters found their way to the hands of my Lord Ferrers. What can we want more? Will my Lord Ferrers venture to deny after this, that he has carried on a correspondence with this young lady? Will he say this is all pure imagination; that nothing of the kind has ever occurred, and that he has never had any, the slightest intercourse with her of any description? Yes, he will. In the very face of all this, he will say it, and what is more, he will prove it, and what is more, you will be satisfied he has proved it.

Now then, let us begin to unravel the mystery. We are coming now to the third volume. Gentlemen, you must have been astonished at some of the questions which I put to the mother yesterday; they seemed to be trivial, and almost ridiculous, and not to have the slightest bearing on the question, the important question that you have to decide; why? I was idle enough to make enquiries as to the appearance of the daughter. Whether she was tall or short: whether she was dark or fair; whether she had light or black hair, and other minute and insignificant enquiries of that kind. You must almost have been astonished that I should have condescended to such a course of examination. It was, however, important and useful in the case, to find out that the daughter of Mrs. Smith was tall, that she had black hair; and very important indeed, although it would appear very trifling, to ascertain precisely what was the mode in which she had dressed herself when she attended the ball at Tamworth. Mrs. Smith, who probably was adorning her for conquest, went to the room of Miss Neville to make some enquiries as to the mode in which she intended to dress her hair, informing her that her daughter was to have a single white rose in her hair; this was in the month of January, 1843. The daughter attended the ball at Tamworth; in her dark hair was a single white rose; and she thought of my Lord Ferrers, and dreamt that he might possibly be there, although she was not certain; and

she communicated her anxieties and her wishes to her

mother, but my Lord Ferrers never appeared.

Well, now what has all this to do with the case? Why are you telling us (you will say) this story about the ball, and about her dress, and about her appearance, and about Lord Ferrers, and whether he was at the ball or not? What does it signify in the case? everything! it is of the greatest importance; but I like to reserve my secret as long as I can, and I am almost sorry that I am obliged now to make a clean breast, and tell you everything. Gentlemen, Lord Ferrers returned from the Continent in the month of September, 1842, and in two days after his arrival, by his grandfather's death, he came to the title. Very soon after his return from abroad, he received, at different times, a variety of anonymous letters, evidently the production of a lady, all in the same hand, all breathing strains of the most ardent affection. He was not aware who this fair correspondent could be; he did not place the value on these letters which, if he had known what was likely to occur, he would have done, for he was rash enough to throw many of them behind the fire; and when it became important, as it did, to search for any that might have escaped destruction, melancholy to relate, only four, after the most careful search, could be found; but those four are not without their value; indeed, I almost think they are like the sibyls' books, they become more valuable from being fewer. Mrs. Smith has told us that her daughter began her correspondence with Lord Ferrers very soon after his arrival from abroad, and that the first letter she sent after his return was from Derby; it was put into the Derby post-office. One was obliged to be a little guarded and cautious in this case, not to reveal everything at once, but to approach stealthily almost, and by degrees, and with cautious steps to one's object. I had before me at the time of Mrs. Smith's examination, two letters which had been received by Mrs. Cann, who has been mentioned as formerly Miss Needham, being the lady who marked one of the pocket handkerchiefs; and I had besides, the four anonymous letters, which were the only ones which had been saved, as I told you, from destruction. I presented,

in the first place, to Mrs. Smith, one of the letters which had been received by Mrs. Cann; "Do you believe that," I said, "to be your daughter's handwriting?" after a little hesitation, she said, "She did." I then gave her one of the anonymous letters, beginning "Dearest Washington," and I asked her whether that was her daughter's handwriting; she said, "It was." I then, in succession, put each anonymous letter into the hands of Mrs. Smith, and from her I received the same answer. She proved them all to be in her daughter's handwriting. Now we are approaching very nearly to the dénouement.

The first letter to which you will have the kindness to attend, the first letter which she wrote after his return from abroad, you will remember Lord Ferrers returned at the end of September 1842, is said by Mrs. Smith to have been put into the Derby post office. The letter I am about to read is dated December 19th, 1842, and it is in these words: "My Lord, Strange it may seem to you, no doubt, to receive a note from a stranger, and a lady too, but it signifies little to me, as I know well you will never know the writer of this letter, never see her; now for what I have to tell you, it is this, there is a public ball at Tamworth every Christmas, generally about the 6th or 8th of January, go, I advise you, go, there will, to my knowledge, be a young lady at the ball, who I wish you too see and dance with, she is very beautiful, has dark hair and eyes, in short, she is haughty and graceful as a Spaniard, tall and majestic as a Circassian, beautiful as an Italian, I can say no more, you have only to see her to love her, that you must do, she is fit for the bride of a prince. Go, look well round the room, you will find her by this description, she may wear one white rose in her dark hair, go early; if you see her not there, you will never see her, as she is like a violet hid midst many leaves, only to be found when sought for. I know she is young, and it is my wish she should have some one to protect her. From what I have heard you must be that one, you and you alone, it is your destiny; therefore go at all risks. You will then be of age, with nothing to prevent you. I sometime knew your father. By the time you receive this I shall be on my way to (blank)

far away. I have put this in the Derby post office; burn it when read, shew it to no one. Keep your own counsel, my Lord, and deem yourself happy in the idea of knowing one so talented, beautiful, and young. Ask her to dance with you, fear not. And now I have fulfilled my mission, and shall rest in peace, more peaceful, though, did I know that you would meet this bright young girl. If you, like other men, love beauty, you will love her. Adieu, burn this letter, and remember she is my legacy to you. You have hurt your hand, I hear; I am sorry: farewell for ever. Isabel." Do you understand the case now? Have I kept my faith with you? have I redeemed the pledge which I made in the opening of this case, that, however dark and mysterious it might appear, I would disperse all the shadows, and present it clearly and distinctly to your view! Here you have the very letter proved by the mother to be in her daughter's handwriting, put into the very post office described by the mother, exciting the curiosity of my Lord Ferrers by a minute, I am afraid not a faithful, description, except so far as the white rose and dark hair are concerned, of herself, endeavouring to procure an interview with him, addressing a letter with all that ingenuity which now it is shewn she is in possession of; and I now ask you whether, when I have admitted that letters were from time to time received by Lord Ferrers, directed to him. ay, and letters containing handkerchiefs too, which handkerchiefs I have produced, you have the slightest doubt that this artful girl, deceiving some, assisted, I fear, by others, has been contriving, from the beginning to the end, a scheme of the most arrant falsehood, and of the grossest and most scandalous iniquity; and that, but for the various accidental circumstances which have intervened to shew where the truth is, and to protect justice and right, Lord Ferrers would have fallen a victim to the snares with which he was encompassed, his honour blasted, his reputation gone, and what would have been of trifling importance, his wealth invaded by this infamous attempt to forge and to fasten an engagement upon him.

Gentlemen, I can prove, with regard to one of the letters, that a handkerchief came in it, and that it was an anony-

mous letter. I cannot prove it with regard to both; but I will prove these four different letters, which are in the handwriting of Miss Smith, to have come out of the possession of my Lord Ferrers; I will shew you, that when he was in town, and upon the very eve of his marriage, the anonymous letters continued, and that on the very day on which he was married, in the presence, I believe, of the mother of his bride, he actually received one of them, which he unfortunately destroyed, not contemplating that, so soon after that event, he would be called upon to defend himself against an action of this description, and would want all the proof which these extraordinary productions so strikingly afford.

. Now, just let me pass to some of the others. Gentlemen, here is another letter, dated June the 5th, also proved by Mrs. Smith to be in her daughter's handwriting: "Washington, beloved one, when shall I see you; when I behold the form of one dear to me, how dear! I will not say how often I wish for you. Hope lingers on, days pass away, and, alas, I only hear of you; you, whom some whisper strange things of; I believe them not, it cannot be; you must be high-minded, noble, generous, good; so have I fancied you; oh, that it may not be fancy only. You are young, and have no father or mother to guide your steps. The world, I am told, is deceitful and wicked;" who told her that? "you have no one to advise you. to whisper words of affection and love; to watch over and be with you. You have some wealth and rank; if these could constitute happiness, then you might be happy; but your household hearth is not warmed by affection. you never feel lonely, nor wish for others but the gay and wild young men with whom you associate? Is there never a blank found in your heart? Do you never sigh for one to love you, one whom you could put faith and trust in? Guardians you have had, they may still advise you, but they have their own, their children. You, my frequent thought, the one whom I cannot help but love, though apparently that one a stranger. Surely it seems fate; I cannot tear you from my heart, your image is ever present there; your welfare first thought of. Report says, you are

going to wed with a lady of Wales; if so, may you be blessed and happy. I am aware we may never meet, never join hands together: and yet I cannot forget you. heart of hearts" so she calls it, "is yours, and with you will rest. I can never love another, never give my hand without my heart. I am no Welsh lady," I think the people of Wales may be rather gratified at that. Oh! I do not like what follows: "but an English-woman." She mentioned something of an Italian in a former letter. thought and action, word and deed, and as an Englishwoman, do I love you, think of you. They say that the blood of a Ferrers is not good, and that the generations of the Shirleys have mostly been men of ignoble minds, with one or two exceptions. Washington, add to the honour of your family; disgrace not further your name. What would I give to see you now, to be with and near you always. Alas, in secret I write to you, in secret love you; would we could meet." Meet! Why, in the Spring of 1843 he had been under Mr. Smith's roof; at least, the little girl told us she had seen him in the drawing-room, there leaning on the mantel-piece for five minutes, and her sister with him. "Do you never visit Staunton? will you not be there after the approaching Lichfield review, alone? Beloved one, adieu, adieu, ever, ever, your friend, Marie."

Do you remember there was another trifling insignificant question I put to Mrs. Smith; I asked her whether her daughter's name was not Mary, whether she was not generally called Mary, and whether she did not call herself "Marie," and she said she did: "Ever adieu, Marie. To other eyes let this not be seen." As my friend reminds me, the end of this letter is rather like the piece of poetry. as they call it, which was produced before us in the course of the enquiry. Gentlemen, this was all calculated to excite the attention of Lord Ferrers; to make him wonder who this beautiful, this anonymous correspondent could be, to attract his curiosity, to induce him to pause before he bestowed his affections upon any other; because he might think there was some creature worthy of him, who was languising for him in secret, breathing out her love to him in this mysterious way.

Well then, we will just pass on to No. 3, which is of a later date; we now come to the period of March, 1844. Now, in March, 1844, there had been a most vigorous correspondence kept up, and I believe the bride-cake was ordered; they said it would keep very well for some time, it would keep for another month; I believe it improves by keeping; and I dare say Miss Smith has kept hers now for a long time. This letter, No. 3, is as follows: "Wednesday, March. Dearest Washington, Thus, again and again I will write to you, and thus call you; for in truth you are dearer to me than aught else, and ever will remain so. The question may arise, why does she so write thus often? of what use is it when she puts not her name to these effusions? This is the why and the wherefore, that you may know there is at least one being on earth who thinks and cares solely for you. Why I should thus feel and care, I know not; I have but seen you; but the feeling is implanted, and will remain with me; I cannot shake off the memory of yourself; in each scene your image presents itself; and the girl of nineteen vexes her parents, and says no to her wooers; and the cause is yourself. It is, I am aware, unmaidenly thus to write; but you know not the writer; and it is to that one a solace and comfort to tell you how much she loves you, how devotedly she is yours." Know not the writer! why he had done nothing else but know her; he had been continually corresponding with her actively for a considerable time; during the year 1844, we have been almost deluged with correspondence! "Would that I could shake off the dream, for where will it end? with my life." And then here comes a pretty touch. "And when I am folded in the calm still sleep of death, with my being will it end. And you, may you be happy and blessed. Oh! that we might meet, that you could love me even as I you." Why, they did meet on the 9th of December. "But we dwell far apart." Yes, so they do; but he had Zimro! "And thus music, and flowers, and birds, must be still tended and loved by me." Innocent, romantic girl! "for I see you not, the charm would then be twofold. When I watch the opening of the flower I think of you, and sigh that you

are not with me; that the maiden's hand might pluck the rose for you, and bid you wear it for her sake; but this is not to be; you cannot remember me, so you cannot love me." Now, I have some reason for resting for a moment on the word "remember." It evidently alludes to some distant period, at which there might have been a hope of some early affection being implanted in Lord Ferrers' breast. That was precisely the situation of this young lady, who began to be precociously romantic at a very early age, and who, when my Lord Ferrers was at Mr. Echalaz's from 1839 to 1840, was receiving, as the mother says, his poetry, which, unfortunately for the world, has never been exhibited, and never will be seen; and when she says, "you cannot remember me," it points to some period at which at least he had a personal knowledge of her. "Perhaps these notes may never even reach you." Now, just look here; see the art, the ingenuity, and the contrivance of this interesting young girl, whose heart has been wounded, whose affections have been blighted by this violated promise on the part of the noble Defendant. "Perhaps these notes may never even reach you; that I should like to know; stay, I will tell you! on Monday the 25th March." That fixes the date, because in the year 1844 the 25th March "If you are at home write, and say if was on a Monday. you have received a packet of anonymous letters, directed to you at Chartley. An envelope with yes or no written in it will be sufficient. Direct the envelope to Miss A. B., post office, Leicester." Why was it to be directed to the post office at Leicester? that seems odd. She was not at Leicester. No. she was not: but then we have heard in the course of the narrative, that she had two sisters at school at Leicester, and that some how or other Leicester seems often to be referred to, for one of the bride cakes was ordered at Leicester, and therefore, the direction is to be to A. B., post office, Leicester. Why did she want this? Oh! you cannot doubt now! I should be discrediting your intelligence and acuteness if I were to venture for one moment to suggest the reason why she desired to possess some of Lord Ferrers' handwriting. The trap is laid, apparently with so much care, and yet when it comes to be looked at, it is so very obvious, that I think no simpleton could have fallen into it. I will just finish. "If you write and direct thus I shall surely have it; but perhaps you will take no notice of this. If so, well, it will still be the same, and I shall think as I now do. Washington, you are mine;" (a laugh) stop! "in thought, and you are very dear to me." And I think the lady will be very dear to Lord Ferrers, for, undoubtedly, this proceeding will not be conducted without very considerable expense to his lord-ship. "Let me still think of you, and if you write I shall then have something to look at as yours. Now, as ever, your firm friend and warmest well-wisher, under her assumed name, A. B.

Well, there is still another. Now, there was great interest in the first, very great, because it revealed the secret which I had kept from you with so much care so long; but I think the two intermediate letters are not quite as important and interesting as this last, which is dated on the 1st of May 1844. I am not quite certain, but I think Mrs. Smith told us that there was a letter posted at Tamworth in April 1844, and she would not say whether it was not the latter end of April, or might not be the beginning of May; this letter is dated the 1st of May, 1844, and came in an envelope bearing the Tamworth post-mark of that date. Fortunately, we have kept the envelope and the letter. Now here we come to a late period, May 1st, 1844, "My dearest Washington, Days, even weeks, pass on, yet hear I not from, or of you;" Why, she had been hearing from him repeatedly, and she had heard of him from Mr. Devereux Shirley, all the way from Scotland; he made his voice heard from that distance! "Are you still away from your home, or have you even yet returned from Chartley? I am fearful these romantic notes of mine should not reach you. How I long to see your face; shall I ever again do so? to hear your voice and see you smile; but perhaps I may never behold you more." That was very odd, because May was fixed, if I recollect, for the wedding! everything had been arranged; all the preparations desired to be made, but only interrupted by the letter from him requesting a postponement might take place. "There is a

secret pleasure in writing to you, knowing you know not me, nor can even dream of the lady's name, or place of abode, that thus addresses you; therefore I am safe." This letter is proved by the mother to be in the handwriting of the daughter, and bears date the 1st of May, 1844! "Ah! could you but know how much I think of you; how every feature of your face is written on my heart. Methinks. sometimes, you would even love me for my deep, fond love; it is as my being, and will abide with me till death: you are in thought all to me: would you too could love the one who thus thinks of you; might my whole life be spent in watching over you, and in preventing every evil from approaching him so loved; it would indeed be untold happiness to be ever near and with you in each danger, difficulty, joy, or sorrow. Once I dreamed the angel of death hovered near you, and that I stayed the hand that would have destroyed, and saved you from death. Heaven and the God I revere and worship, keep you safe from all harm most beloved of all on earth to me. Now the beautiful Spring is here and with it flowers; indeed, everything bright and beautiful in nature teaches us to thank the Creator for his wonderful mercies. You have very much to be thankful for. May you be happy and blessed in your home; and when you wed, may the one you may choose be as a creature of light and life to you, brightening each darker moment of your life, lightening each sorrow, enhancing each joy, administering comfort. Thus much may every woman do, if she truly love the one given to her as her partner for life, if he in return shew due consideration and affection for her; such would I be to thee, leaving all for thy sake, enduring all that thou mightest be blessed; but perhaps this may never, never be: perhaps you may even now love another. God is above all; with all; he will judge rightfully for all. And thus each mortal treads upon his fate, looks back, sighs, hesitates, when it is too late." It ought to be poetry, but it is not in lines. "Something whispers me we shall once more meet, be it in lighted hall or church, or under the shade of the hawthorn tree; we shall meet though you may not dream you are there holding converse with your anonymous correspondent; but time hastens, and as our carriage passes through the borough from which your second title and prettiest name is derived, (Viscount Tamworth), while our horses are 'baited' at the Castle Inn, so shall I post this to you; that Tamworth that ought to be your own, young lord, instead of Sir Robert Peel's." Now that is a pleasant hearing for the Premier! "Dearest Washington, with best wishes for your happiness and future welfare, allow the lady who thus writes to subscribe herself most devotedly, Marie."

My task is done; the case is proved to the very letter. And now, then, ask yourselves, knowing that Lord Ferrers could not by any possibility have written the letters which are imputed to him, and upon which the promise is to be attached: Ask yourselves who is the person who wrote those letters; who forged and fabricated them for the purpose of making him responsible? The likeness of the letters to Miss Smith's handwriting has already been proved by the mother; it struck Miss Neville immediately. lady was also struck with the handwriting of the anonvmous letters which have been proved by the mother to be her daughter's. Talk of internal evidence, indeed! Look at the internal evidence to be extracted from these anonymous letters, and tell me whether you scarcely require distinct and direct proof of the handwriting; whether the incidents themselves would not almost confirm the fact that they are the writing of the Plaintiff. Shall I then hesitate to arrive at the conclusion to which I am necessarily led by all these circumstances, step by step, and without a moment's pause? If I am required to say, "You tell us that Lord Ferrers was not the writer of these letters; you say that the evidence is complete upon that subject, tell us then whom you mean to fasten them upon; whose you say was the hand, who the instrument that has fabricated them against him?" I say at once, fearlessly, they were written by Miss Smith herself, and they were written by her, artful and ingenious as she has shewn herself to be, under circumstances which mark the danger of once deviating from the paths of truth. Having flattered herself for sometime that she might warm the heart of my Lord Ferrers, turning her day dreams into realities, inventing, perhaps innocently and unintentionally almost at first, the notion of his having given her any proofs of his attachment, and then finding herself so far involved as to be compelled to advance in the career of wickedness to prop up one falsehood, by resorting to twenty others, and thus to weave her intricate web, in which, but for the most unexpected and providential circumstances, my Lord Ferrers must have been entangled, and from which he would in vain have attempted to escape.

Gentlemen, this is not a case in which I feel that I ought to address you with any further observations as to any of the facts of this case. Can you now doubt for one moment, admitting the truth of the statement of all the respectable witnesses as to the letters having been put into the postoffice by them, that this was part of the ingenuity of this girl, whose mind seems so far advanced beyond her age; that it was her contrivance, having written these anonymous letters, to have proof hereafter by respectable witnesses, that they had innocently assisted in her fraud, by putting into the post-office those letters, which were part of the web of iniquity she was weaving for my Lord Ferrers. Can anybody after this, with such facts before them, stand up, and in a court of justice, and in the face of the public. be prepared to maintain the case, and to say they will still try whether the jury may be so far worked upon by any ingenious explanations, as to adopt a solution of the circumstances in favour of the Plaintiff? Is there anybody who has not been struck, and almost overpowered with the overwhelming weight of evidence by which the whole of the dark contrivance is clearly, strikingly, demonstratively displayed in strong and undoubted colours, and with all the full light of day, before the eyes of those who are to expose and to condemn it?

Gentlemen, I will not trespass further upon your time; I trust I have performed my task fairly; that I have fully protected the interests confided to me; that I have shewn that the result of this painful and anxious inquiry cannot be to attach the slightest shade or stain upon the character of my Lord Ferrers. If the consequences are so serious to

the Plaintiff, as my learned friend, the Solicitor General, has represented them to be, I can only say, why did she not reflect before she took that first fatal step in error? Why did she not pause and consider into what a maze of falsehood she might be drawn? If fatal consequences attach upon her, they are consequences which she has brought upon herself. I could almost pity her; so exposed, so fallen; but I repress my feelings of compassion at this moment, when the stern demands of justice imperatively require your interference for the protection of the Defendant.

Mr. Crowder. My Lord, we will read the anonymous letters first.

Mr. Chambers. Stop a moment; what are you proposing to read now?

The Attorney General. Proposing to read the letters proved by the mother of the Plaintiff.

Mr. Chambers. I should like to see them, one by one; then turn to his Lordship's note, and see what the mother did say?

The Attorney General. Hand them in, Mr. Denman will read the numbers.

The Associate. No. 25.

Mr. Chambers. Where is No. 20?

The Attorney General. Will your Lordship look at Mrs. Smith's evidence, and see whether she proved No. 25?

Mr. Chambers. This is shuffling about.

Mr. Justice Wightman. No. "No. 20, I cannot tell; No. 22, I believe is; also No. 23; also No. 25; also No. 24."

Mr. Crowder. Now read No. 25.

The Attorney General. That, my Lord, may be considered as read in evidence, unless my friend wishes it to be read again.

Mr. Chambers. I do not wish to have it read again.

The Attorney General. Read the beginning.

The Associate. "December 19th, 1842. My Lord,—Strange it may seem to you, no doubt, to receive a note from a stranger."

Mr. Justice Wightman. You have copies.

The Attorney General. Yes, my Lord, we have copies prepared for your Lordship.

Mr. Crowder. What is the number of the next?

The Associate. No. 23.

Mr. Chambers. With regard to No. 23, I should like to see Mr. Smith's evidence.

The Attorney General. It does not signify about Mr. Smith, Mrs. Smith has proved it; if twenty witnesses were called who did not believe it, if one is called who does, I can put it in.

Mr. Justice Wightman. "Looks at paper No. 22. I do not think it is my daughter's; No. 21, I think, is; No. 22, I do not think is hers, although very like; my reason for believing them not hers is, that it is smaller writing; No. 23 has a similarity, but I think it is not hers."

The Attorney General. The mother says it is.

Mr. Justice Wightman. The mother says she believes it is.

Mr. Chambers. If you think it is evidence, the mother's testimony ———

Mr. Justice Wightman. There is no doubt about it.

The Associate. "June the 5th. Washington, beloved one, when shall I see you."

The Attorney General. I read the whole of it.

Mr. Justice Wightman. They are fresh in the recollection of the jury.

The Associate. No. 26 begins, "Dear Washington, Wednesday, March. Again and again I write to you."

Mr. Chambers. Very well.

The Attorney General. One more.

The Associate. No. 22, May 21st 1844, Wednesday. "My dearest Washington, days and even weeks pass on, yet hear I not from you."

The Attorney General. Is the envelope there? My Lord, there are two other letters. Those are the letters which were addressed to Mrs. Cann; I have no objection to hand them in; they would not be evidence; they are to prove the handwriting.

Mr. Chambers. Mrs. Cann is here.

The Attorney General. Yes, one of them; I think the father did not think was the daughter's handwriting; that is No. 20.

Mr. Chambers. It shews how uncertain they are.

The Attorney General. Oh, no doubt about it; here are letters which were proved, in order it may not be supposed we are keeping anything back. (Handing in some letters.)

Mr. Justice Wightman. They may be taken as read.

The Attorney General. They are not evidence.

Mr. Chambers. The letters that are put in are not in the envelope.

The Associate. Yes; one is marked Tamworth, 1st of May.

Mr. Justice Wightman. What is this letter? (Handing down a letter.)

The Attorney General. It is part of one of the letters, my Lord.

## Evelyn Philip Shirley, Esq. M.P. sworn, examined by Mr. Crowder.

I believe you are a cousin of Lord Ferrers?—I am.

Were you Lord Ferrers' guardian ?-I was.

What time did his father die?—I do not remember the date of his father's death.

You have known him, I presume, all his life?—I have known him between nine and ten years.

Do you know of his course of education?—Yes, I had the care of it.

Where was he placed when first you knew him?—He was at Mr. Repton's at Drayton.

Where had he been before, do you know?—I do not know of my own knowledge; I know he had been at Dr. Mayo's at Cheam.

Then he went to Mr. Repton's?—Yes.

How long did he continue with him?—I do not exactly know; a year or two.

Where did he go then?—I took him to Eton.

How long did he remain at Eton?—He remained at Eton exactly two years.

And did he from Eton go to Mr. Echalaz?—I took him to Mr. Echalaz.

And afterwards, as we have heard, with your sanction, I presume, he went abroad?—He went abroad with a tutor.

Now, during this time, and the time you have known him, have you been in the habit of receiving letters from him from time to time?—Constantly.

How were his letters signed ?—They were signed Tamworth.

While he was Lord Tamworth?—He sometimes signed them by his nick name.

What was that ?-Wishy.

Was that in early times?—Yes, when he was at Eton, and when he first went to Austrey.

And since then?—Then he always wrote Tamworth, until he became Lord Ferrers.

Since he became Lord Ferrers?—He always signs Ferrers.

By Mr. Justice Wightman. Since he became Lord Ferrers signs "Ferrers?"—Yes.

Have you ever seen any letter of his signed, "Washington Ferrers?"—Never.

Or "Washington Tamworth?"—Never.

You say you have received a good many letters from him?—I have got sixty in my pocket. (Producing a bundle of letters.)

We do not want them all produced, unless my friend wishes to see them; are they upon scraps of paper?—No, none of them; all on note paper, what any one writes upon.

Mr. Crowder. My friend will probably look at them.

Mr. Chambers. Allow me to see the bundle.

Mr. Crowder. You may have the bundle. (They were handed to Mr. Chambers.)

In none of these letters; we understand there are none of these scraps?—None.

I believe your father's name is Evelyn?—Evelyn John.

Your name is Evelyn Philip?—It is.

You have said you are a cousin of Lord Ferrers; you are married, and, I believe, have some family?—I have two children.

What age may they be?—My son is a year and a half, and my daughter is six months.

Not married yet, your daughter?—Not married yet.

Do you know any person of the name of Walker?—No.

You have sisters that are married?—Two sisters.

Are those your only two sisters?—My only two sisters.

Is either of them married to Mr. Walker?-No.

Who are they married to?—One to Sir William Heath-cote, the other to Mr. Niel Malcolm.

And you have had the education and care of Lord Ferrers, and known him intimately; can you tell us, is he addicted to gambling?—Not the least; he has a great dislike to cards; never plays a game at cards; I never saw him.

Or any other kind of gambling?—Nothing of the sort; never.

You were one of the executors of the late Earl's will?—I was.

Did you know of the Conservatory that had been erected near Chartley?—It was at Staunton.

Yes.—Yes, there was.

What was the nature of it?—A very ugly iron conservatory, it was never finished, standing near the house.

Do you know a good deal of money had been laid out?

Yes, it had cost £1500, an immense sum.

On the death of the late Lord Ferrers, what was to be done with this Conservatory?—The late lord directed in his will that it should be sold.

Was it sold?—The present Lord Ferrers said he thought it, on the whole, best to take it, and to have it at a valuation.

Did he take it?—He did; I myself spoke to him on the subject very shortly after the death.

When might that be?—The month of October, 1842.

The earl died in October, 1842?—The very month I spoke to him about it.

Did he buy it for £400?—Yes, he did.

By Mr. Justice Wightman. When abouts did he buy it?

—I remember it was after the late earl's death, and before his funeral.

That is when you spoke to him about it; when did you

actually sell it?—I spoke to him to know whether he would wish to have it, as I was executor; it was arranged with Mr. Stephens shortly after. I only know the date he agreed to buy it.

By Mr. Justice Wightman. Before 1844?—Yes, it was

in October, 1842, he agreed to take it.

Do you remember Lord Ferrers at any time being at Eatington?—He always spent his holidays with us, either there or at some of my father's houses.

Was he with you in January, 1843?—Yes, he was there

when he came of age, the 3rd of January, 1843.

How long did he remain there?—About ten days, I think.

I do not want to ask you precisely what he said, was any mention at that time made to you about an anonymous letter?—Yes.

That he had received one?—Yes, he said he had received a letter.

I do not go minutely into it; mention was made of an anonymous letter?—Yes.

Was there some conversation about it, which I do not ask you, unless my friend wishes it?—Yes.

Did he shew it you?—No, I did not see it.

Did you ever introduce Lord Clive to Lord Ferrers?— No: I know Lord Clive very well, but I never introduced him to Lord Ferrers.

I am desired to ask you, have you heard this description of Lord Clive?—I have.

"A thorough army, which means a gay, fashionable, dashing, gambling young man?"—It is as unlike Lord Clive as it is possible to be.

I see in this letter, "I am going to Brighton for a day or two, to see my sister, then to Eatington on business?"—He has never been at Eatington since he came of age, January 1843.

Are you a good Italian scholar?—I wish I was.

Do you happen to know Italian at all?—Not at all.

Does your father?—No, he is not at all acquainted with the language.

Neither of you happen to be acquainted with the lan-

guege?—Not at all.

Do you recollect any purchase that was making by Lord Ferrers of some plates, one of Oliver Cromwell?—No.

Purchasing a carpet or furniture, when you stept in and caught him looking at the purchases?—No.

You did not !-- No, I did not.

You did not ask him, laughingly, what a bachelor wanted with such things as those?—No.

And said, you thought the next thing he must have was a wife?—No.

Nothing of this sort?-No.

Is it entirely fabrication?—Entirely forgery and fabrication.

"There was a Sir Terence Volney with them;" did you, or your father, to your knowledge, have a Sir Terence Volney with you?—Never.

From Berkshire, or from any other place?—I never heard of such a person.

A strange person; I need not ask you about the person, if you never heard of such a man; do you know the title at all?—No such name as I am aware of.

You are guardian also to Mr. Devereux Shirley?—I am. Mr. Crowder. He will tell us when he was in Scotland? Mr. Justice Wightman. Yes.

Is there a Dr. MacPherson attending your family?—No. Any person of the name of MacPherson?—Never.

Did you ever hear of him?—No.

"Mr. MacPherson, Evelyn's Doctor," is the letter?—No.

Now, before you look at these letters, in the course of the correspondence is there anything in his mode of writing remarkable for bad spelling, or anything of that sort?—I should not say that he always spelt correctly.

That is, there are some incorrectly?—I do not remember any one in particular; most of my letters were written when he was at school. I do not think he was quite perfect in spelling, but he wrote grammatically.

Sometimes at Eton you have seen a want of orthography?

—Yes, I have.

Now be so good as to open those letters one by one. (The Witness examines the letter marked No. 1.) You will

see the signature, "Washington Ferrers," have you looked sufficiently?—Quite.

To say?—I am quite satisfied.

I need not ask you whether you know well the character and style of writing of Lord Ferrers?—Oh yes, I took particular attention of his writing, and gave him many a lecture about it.

Do you believe that to be his writing?—Certainly not. You see "Washington Ferrers?"—Yes.

Now look at No. 2. (No. 2 is handed to the Witness, who examines the same.) This is a decided forgery.

By the Attorney General. Answer the question, that you do not believe that to be his writing?—Certainly not.

You entertain no doubt about it?—Certainly not; not the slightest. (The Witness examines No. 3.) I have not the slightest doubt of No. 3, that is not his writing.

Now look at the next? (The Witness examines No. 4.) This is not Lord Ferrers' writing. (The Witness examines No. 5.) This is not Lord Ferrers' handwriting, No. 5. (The Witness examines No. 6.) This is not Lord Ferrers' writing, No. 6. (The Witness examines No. 7.) This is not Lord Ferrers' writing. (The Witness examines No. 8.) This is not Lord Ferrers' writing. (The Witness examines No. 9.) This is not Lord Ferrers' writing. (The Witness examines No. 10.) This is not Lord Ferrers' handwriting.

Mr. Justice Wightman. He does not believe any of the ten are Lord Ferrers'.

The Witness. Not a single word of the ten.

There is one marked A, is that Lord Ferrers' writing? (The Witness examines "A.")—No.

Look at B. (The Witness examines "B?")—No.

#### Cross-examined by Mr. Chambers.

Did Mr. Hamel apply to you upon the subject of this trial?—I never saw him. I received a letter signed something Hamel.

I believe you refused to give him any information?—I wrote to him a letter to say——

Mr. Crowder. Never mind the letter.

Mr. Shirley, did you not know that Mr. Hamel wished to see you?—I received a letter from him to say that he would wait on me any time that I chose.

I believe you refused to see him?—I wrote to him to say I would attend in Court, and would answer any question, but not before.

You refused to answer any question put to you before you came into the witness-box?—Yes.

Mr. Hamel is a solicitor, I believe, in the country, is he not?—I do not know; I suppose he is.

Did you, before you made that answer, enquire as to who and what Mr. Hamel was?—Yes.

You found he was the solicitor for the Plaintiff, did you not?—I knew that he had been. I made particular enquiries, because he had been to my father's house, and tried to see some of my Lord Ferrers' handwriting.

That was from your father's information, I presume?—Yes.

Have you ever seen those letters that you have pronounced so decided an opinion upon before?—Never.

Have you seen them during the progress of these proceedings?—No, I have not.

They are put into your hand for the first time?—For the first time.

Now, will you take No. 1, if you please. Does the signature of No. 1—can you see it?—I have not got it yet. (The Witness examines No. 1.)

It is difficult to find. I think it is on the small piece?

—Yes.

Had you looked at that before you gave any opinion about that being his handwriting?—Yes.

Does it at all resemble Lord Ferrers' signature?—Very slight; at least, not at all. There is Washington Ferrers; he never signed it so.

Look at "Ferrers?" Leave "Washington" out.—I should know at once.

Any person who would know his writing, would know that?—I do not say that; but I should, because I know his writing particularly well.

You would recognize it directly as not being a genuine

hand?—I have not the slightest doubt that it is not his handwriting.

Do any of the letters now resemble his mode of forming the letters?—Are you talking of merely the word "Ferrers?"

I am talking of the signature.—The signature is "Washington Ferrers."

I am aware of that. I am talking of "Ferrers."—That part of the signature; there may be some resemblance, but not, in my mind, at all conclusive.

Do any of the letters resemble the usual mode of forming letters in "Ferrers?"—The F is something like an F; the E something like an E; there is no resemblance to make me believe it is the same.

There is no peculiarity in his signing?—I do not think there is anything very peculiar.

No peculiarity in the F?—I think not.

Or the E, or the R, or the S?—No, not at all.

Why is it you say, immediately you look at it, it is not his?—Because I am so well acquainted with his own handwriting.

Can you fix upon any reason why you should instantly say it is not his writing?—Yes.

What is it?—His own writing has a peculiar angularity, I might call it. It is a bad hand, and a worse hand than this, I think.

It is more upright, do you mean, or more pointed?—It is more pointed, I think.

Then, for any person acquainted with his handwriting, it would be easy immediately to detect the difference?—I only speak for myself; it would not take me in.

You think no part of the writing resembles his handwriting, do you?—There may be some slight resemblance, but I know his hand so well, it would not take me in.

It would not take you in at all, would it?—No.

Allow me to ask you whether you ever applied to see these letters before to-day?—Never.

Is that more like it, Mr. Shirley? Handing a small piece folded down with the signature "Ferrers.")—It is a better hand than that. It is very difficult to tell, merely looking to the signature and the name.

Is it more or less like it? you see F is different there?

—I really can't say which is the most like. I do not think that is his handwriting. I rather doubt it.

Should you detect that immediately?—When I speak of these letters, I speak of the whole of them; here I can only read "Ferrers."

You said the word "Ferrers" did not resemble it at all in the letter you looked at; what do you say to that? (The Witness examines the same.) I see you are examining that for some time?—Do you ask me what I think about this? I have doubts about this; it possibly may be his handwriting.

Now look at this. (Handing another letter, folded in the same way, with the word "Ferrers" upon it.)—That I should say is the same. It seems to be the same hand as the other letter that you shewed me or the other signature.

What is your belief?—I do not think he signed so well as that generally.

Do you think it is his or not? Is it your opinion? Is it your belief or not that it is his?—I can't say as to that; it may be.

You do not like to pledge yourself upon seeing the signature merely?—No.

Now not being able to pledge yourself on seeing the signature merely, there are one or two words on that; what do you say to that? (Handing a paper folded up, with three or four words upon it.)—No, I think not his writing.

You would not say that?—No, I think not. I think it is more round: seeing those very few words, I think it is not his handwriting.

In order then, Mr. Shirley, to form a judgment of the handwriting, did you really look over the letters?—These letters?

Yes.—Yes, I looked at them in the way you saw me.

And then having looked them over merely, you say that you believe they are not in his handwriting.—Yes.

I suppose I need hardly ask you, Mr. Shirley, whether when you looked at the letters, you were not perfectly well aware that those were the letters alleged to have been forged; you were quite aware of that?—I concluded that they were.

You have been asked with respect to my Lord Ferrers' education. He does occasionally spell ill, does he not?—I am not aware that he does at present. I know when he was a boy at school he did not always spell correctly.

Did you ever see any of his spelling of the name of

"mamma?"-No, I am not aware.

Do you know how he spells mamma?—I am not particularly aware.

The Attorney General. There is a great doubt about that; that is not quite a settled point.

You do not know how he spells mamma?—No; I know how I spell it; I cannot say how he spells it.

He was at Eton I believe not for more than two years?

—Yes.

Was he a wild young man?-No.

Not at all ?—I should say not.

Very steady?—I do not say he was very steady. I have never seen him wild at any rate.

Were you ever at Chartley when he was there?-Often.

Do you mean to say my Lord Ferrers has never gone out in disguise?—I have never seen him.

You were his guardian I believe?—Yes, I was his guardian.

Do you mean to say, that as to my Lord Ferrers, you are not perfectly aware he has gone out in disguise, and played all sorts of odd pranks?—Never heard so from Lord Ferrers.

Have you heard it mentioned to Lord Ferrers in his presence?—No.

Never heard it mentioned?—No.

You are not aware from Lord Ferrers?-No.

You mean to say, from seeing it yourself, you know nothing of it?—Nothing.

The Attorney General. How do you mean by "seeing it yourself?"

Mr. Chambers. Because he says, "I do not know it from having seen it."

Mr. Justice Wightman. I do not know, I never saw it. The Witness. From hearsay I have heard it.

The Attorney General. That is no evidence.

Mr. Chambers. If my friend assumes he was perfectly steady from their evidence.

Mr. Justice Wightman. If he heard it, it would be ob-

jected to.

Do you mean to say, Mr. Shirley, knowing my Lord Ferrers perfectly well, that he was not a wild young man?—
I should say that he was not a wild young man.

Then we must come a little more to terms, as to what is meant by a "wild young man." Do you know that he was fond of going out with his servants, and remaining out all night in the fields?—No.

That you do not know?—No, except by hearsay.

The Attorney General. Do not say "except by hear-say," because that we do not receive.

At this moment do you really know anything of my Lord Ferrers when he is in the country?—I do not know so much now as I did when he was my ward. I know some.

Used you to stop with him?—At the time Lord Ferrers was my ward the late Lord Ferrers was alive, with the exception of a few months, when the present Lord Ferrers came to visit his grandfather I was staying there. His holidays he passed at my father's house.

That was when he was quite a boy?—Until he came of

age; he was abroad two years.

How long a time have you passed with Lord Tamworth, as he was then, merely vacations?—Vacations; I have taken him to Eton, and so on.

Used he to pass some of his time with his grandfather the late Lord Ferrers?—Part of the time.

Have you stayed there when he was staying there?—I have.

Did Mr. Collis ever dine there?—Never.

Is Mr. Collis here, do you know?—I heard he was, but I do not know him.

He had ceased to be your ward, I presume, when he came of age?—Yes.

The wardship did not continue beyond that?—Not after he was twenty-one.

How long before he was married were you aware that he was going to be married?—I think about two months.

I believe the acquaintance was a short one?—Yes, it was a short one.

Mr. Justice Wightman. He was married in July.

The acquaintance was not much more than about two months?—The acquaintance was not so much as two months. Do you mean before he proposed?

I mean before the marriage took place, from the first acquaintance?—I think it was about two months.

Where was it, without asking anything that is offensive or disagreeable, where was it he met with the present Lady Ferrers first?—In London.

Have you been shewn, besides these letters that you have looked at just now, the ten or twelve letters; have you been shewn any other letters to form an opinion of the handwriting?—You have shewn me a little bit.

Nothing besides that?-No.

Mr. Justice Wightman. There is a bundle of his own letters.

Now look at this, I do not wish you to read the contents; look that over, that handwriting is not Lord Ferrers, I suppose, is it?—(Handing a letter to the Witness). No, it is not Lord Ferrers'.

You have no notion of whose it is?—It is a more cramped hand than those which are there, I think; (referring to the ten), it is not a hand that I know.

You have brought here a bundle of letters?—Yes.

Before you were examined did you look out any letters and examine the signatures, or what?—No, I looked them out from the rest of my letters and papers.

What was the object in looking them out?—In order that the attorney for the Defendent might have them: he has had them for some time: he desired me to look them out: he gave them me back a day or two ago.

I presume you had some conversation with my Lord Ferrers on this case?—I think I did one day speak to him about it.

Of course you and his friends were very anxious about the result; had you any anxiety?—I can hardly say that I had any anxiety.

What were your reasons then for refusing to give any in-

formation to Mr. Hamel?—Because I thought Mr. Hamel had not behaved well in this case.

That was your reason for not giving any information respecting the Plaintiff's case?—Yes.

Will you say why?—I will, if you wish.

Most assuredly I do?—Because he went to my father's house. Then you see I do not *know* except from something my father told me.

I believe he waited sometime before your father would see him?—No.

Mr. Crowder. You may give your reason.

It was from something that occurred at your father's house?—Yes, shall I tell you what it was.

No, I do not want it; I shall have it from your father, and I am sure he can give a better account than you can. You mentioned Mr. Hamel; did the respectable solicitors Messrs. Pearce apply to you?—No.

Messrs. Maples and Pearce ?-No.

Do you mean to say you never received any letter from them?—There was a letter; I do not know the name of the attorney.

A London firm?—It might have been, I do not remember the name.

I believe you have always refused, until you came into the box?—No, I never refused but that time: I never wrote but one letter. I never sent any answer but that one.

You say you spoke to Lord Ferrers once or twice upon the subject?—Yes.

When was that; was it soon after the action was commenced, before it was commenced, or when?—I think it was when I last saw him, that was the last year.

When was the first time you spoke to him?—The first time I spoke to him was last summer, when he was in London.

You had heard of the proceedings then ?-Yes.

Now tell me, did Lord Ferrers or not deny that he had ever seen Miss Smith?—Oh no, he did not deny that he had seen her; but that he did not know her: he could not help well seeing her at church.

He said he recollected seeing her at church?—He said he might have seen her, as far as I remember; but he had never spoken to her.

That he had never spoken to her?—I understood him

to say that, certainly.

Did he say that he never spoke to her in his life?—I think so; I understood him so.

Was her christian name mentioned?—No; I do not remember that.

Do you know the Smith family?—No.

Then did he inform you who the Smiths were, and where he lived?—I asked, of course, who they were, and he said he was a farmer in Warwickshire.

Did he say where Mr. Smith lived?—Yes, I understood he lived at Austrey.

Did he say what family he had?—No.

Did he say anything about Mrs. Smith, the mother?—No.

You did not enter at all into further enquiries?—Oh!

As to what family he had, or whether he was a respectable farmer?—I do not suppose we talked more than a minute about it, merely asked him what it meant; he said that Miss Smith was a farmer's daughter at Austrey.

Did he say he had seen her at church?—I cannot remember positively; I will not say he did not; he might have done that.

Do you know this gentleman, Mr. Arden?—Yes.

Do you know that he was Lord Ferrers' chaplain?—I do.

Was it with your sanction and permission that he was so?—He was not this Lord Ferrers' chaplain, he was the late Lord Ferrers' chaplain.

After Lord Ferrers came of age was he not the present Lord Ferrers' chaplain?—I think not. I am not aware this Lord Ferrers appointed him, he may have done so.

You do not know?—No.

Where have you seen Mr. Arden ?—I have seen him at Chartley.

When did you first become acquainted with him?—When I used to be at Chartley, in the late Lord Ferrers' time.

Was he there constantly when you were there ?—No, he never lived in the house, he lived in the village; sometimes he dined there.

Have you ever gone to the place at Staunton Harold?—Oh, yes, very often.

What was there that Lord Ferrers had there, an apartment in Mr. Arden's house?—No; Staunton Harold is the principal seat of the family; only that there is no furniture in it, except two or three rooms.

#### Re-examined by Mr. Crowder.

You say that you met Mr. Arden at the late Earl's ?—Yes.

Is that some years ago?—Yes, it must be nine years ago. Had you seen anything of him in the latter part of the Earl's life?—Yes, as far as I remember, towards the latter part of the late lord's life he was removed from Stowe; the late lord made him his chaplain and sent him to Staunton Harold.

Had you an opportunity of seeing what his habits were?

—I did not see him so much the latter part, because he was at Staunton Harold.

At the time you say you had a conversation with Lord Ferrers about this, when was it?—I think it was in the summer when he was here.

You had a short conversation with him?—Yes.

What did he tell you about this action?—I had heard it from the solicitor before.

At the same time he told you that he did not know Miss Smith, you asked him whether there was any truth in it?

—Yes, and he said no, not a word.

Do you recollect his telling you anything else about it at that time?—At first, I own, I fancied there might be some truth in it. I tried to get out the truth, and he persisted in the same story, there was not a word of truth in it.

You had a very short conversation?—Very short.

The precise words he used when he said he did not know

Miss Smith, you say you do not recollect?—I do not.

Have you any distant recollection of the prescise words which Lord Ferrers used to you?—No, not the precise words, but I think he said he had never spoken to her; I understood him so at least.

# The Honorable Rosamond Tracy, sworn, examined by Mr. Humfrey.

You are a sister of Lord Ferrers?-I am.

And his only sister ?-Yes.

Is your brother Lord Ferrers and yourself on very affectionate and kind terms?—Yes.

You are in his confidence?—Yes.

Have you been in the habit of writing to him and receiving letters from him?—Frequently.

Permit me to ask you, since he has come to his title of Ferrers, how has he been in the habit of signing his name?

—Always "Ferrers."

Have you ever received a letter from him signed "Washington Ferrers?"—Never.

Have you been in the habit of staying with Mr. Tracy at Chartley?—Yes, very often.

And has Lord Ferrers stayed with you in Wales, where you live in Wales?—Yes.

Gregynog?-Yes.

Permit me to ask you, I must just go through some of the letters, one of these letters supposed to be written by my Lord Ferrers, is the 11th February 1844, says, "I was at Brighton the other day, and saw my sister." Permit me to ask whether at that time you were at Brighton?—No, I never was at Brighton until August 1845.

You will tell me has Mr. Hanbury Tracy a brother?—Yes.

Mr. Charles Hanbury Tracy?—Yes.

He is married, I believe?—Yes.

Do he and his wife live at Brighton?-They do.

Is she in good health, Mrs. Hanbury Tracy, who lives at Brighton?—Not at all.

I observe in one of these letters there is this expression

with respect to yourself, "my sister is not yet in good health;" have you been out of health at all?—No, I have very good health.

I must ask you this: "and now for news, Evelyn has gone to Eatington for a day or two, and I am again going to Brighton; my sister is not in health, but they keep much company. I saw some Miss MacTrevors." Were there any Miss MacTrevors Lord Ferrers saw at your house?—Never.

Do you know any such persons?-No.

Either at Brighton or anywhere?—Never heard the name before.

Will you do me the favour to look at those letters, beginning with No. 1, which have been put in. (No. 1 is handed to the Witness who examines the same.) Look at Lord Ferrers' signature, what professes to be his signature, you will find it on one of the small slips of paper. Have you the one that has the signature "Washington Ferrers?"—Yes.

Do you believe that to be Lord Ferrers' handwriting?—I don't think it is his.

Will you do me the favour to look at any part of the letter, take any part of the letter. (The Witness examines the same.) Do you believe that to be Lord Ferrers' handwriting?—No, none of it.

I will ask you at this moment, while I am upon it, is Lord Ferrers in the habit of writing upon scraps of paper of that sort?—No, he is not.

Before I go to No. 2, there is a mention in that letter of a horse called Zimro, did you ever know Lord Ferrers to have such a horse?—No, never.

There was a horse that you used to ride?—Called Zoe. Is that the nearest to Zimro of any that you know of?—Yes.

Had either the late Lord Ferrers, or the present lord, any horse of that name you ever heard of?—No, never.

Will you look at No. 2? (The Witness examines the same.)—No, I should say.

Will you look at No. 3? (The Witness examines the same.)—Nor that. (The Witness examines No. 4.) No, nor that. (The Witness examines No. 5.) No. (The Witness

examines No. 6.) No. (The Witness examines No. 7.) No. (The Witness, examines No. 8.)

Nor that?—No. (The Witness examines No. 9.) No. (The Witness examines No. 10.) No. (The Witness examines A.) No, it is not Lord Ferrers'. (The Witness examines B.) No it is not.

Will you allow me to ask you, Mrs. Tracy, do you remember, in the latter end of 1843, going from Chartley, when you were staying with your husband, Mr. Hanbury Tracy, and Lord Ferrers, to your seat in Wales?—Yes, I recollect it.

I do not know whether you recollect the day?—No, I do not.

You remember the fact of going in the month of December?—Perfectly.

What time did you leave Chartley in the morning?—I do not quite remember.

About what time?—Soon after breakfast.

Mr. Humfrey. Your lordship has had already in evidence, Austrey is thirty-two miles from Chartley; had you seen Lord Ferrers in the morning at breakfast?—Yes.

Did you go with Lord Ferrers' horses as far as Newport, the first stage?—That I do not remember.

Do you remember luncheoning at Welshpool?—Yes, I recollect it.

From Welshpool you went to Gregynog, your own seat?

—Yes.

Are you quite certain, on that morning, whatever it was, it was impossible for Lord Ferrers to have gone to Austrey and back again without your knowing it?—Quite impossible.

Mr. Justice Wightman. Why it would be sixty-four miles.

Welshpool is between fifty and sixty miles from Chartley?—Yes.

Have you any recollection about what time you arrived at your own house?—No; we arrived in time, I think, for dinner.

### Cross-examined by Mr. Chambers.

When was your attention first called to this date of the 9th of December, 1843?—I do not know anything about the date.

The Attorney General. We fix the date by another means.

When was your attention called to the fact of taking this journey from Chartley?—Yesterday, I believe.

At what hour?—By what that little girl said.

Was it while you were staying in Court?—Yes, it was.

Where is it you have looked, have you looked to any memorandum of your own since last night?—No.

I will ask you whether you kept a pocket-book in which you made any entries?—I did not at that time.

How long had you been staying with your brother at the time when you left for Wales?—I can't exactly say.

Was it a fortnight or a week, or only two or three days, before you started?—I do not know.

Was it as long as two or three days; I do not wish to fix you to the exact time; can you recollect about how long you had been staying with your brother at that time?

—It might have been a fortnight or three weeks.

Is it your impression that it was as much as that. Had you gone there before the month of December; perhaps you cannot recollect?—No.

You are sure it was some days you had been staying?—Oh, yes.

Who was staying in the house; was Mr. Hanbury Tracy staying there?—My husband was there.

Was there a party there?—That I do not recollect.

Have you the least recollection then of the number of persons who were there, or anything about it?—No; I have gone there so frequently I cannot remember.

Mr. Hanbury Tracy was there?—Yes.

Used your brother to ride out a good deal, or was he confined to the house?—No, he never rode out a great deal.

Did he ride out at all?—Very seldom indeed.

When you were there, did he go out at night much?—No.

Never?—I do not say never went out; only about the house.

You say he had a horse called Zoe?—Not at that time.

Mr. Justice Wightman. The lady had.

Used to ride a horse of his called Zoe?—It was my horse; it was turned out when I was married.

What were Lord Ferrers' habits at that time, as to passing the evening?—He generally spent them at home; he generally spent them with us.

What time was the dinner hour?—I cannot say exactly, it was different times; it depended upon what we were going to do.

Was the breakfast hour early or late?—Half-past ten, I

suppose.

You have not the least recollection of whether there were any visitors, young friends of my Lord Ferrers, staying there, have you?—What sort do you mean; gentlemen or ladies?

I do not mean anything improper; gentlemen, acquaintances of your brother?—Occasionally he had one.

At that time, Christmas, about the 9th of December, 1843?—I do not remember.

Among other amusements, I believe your brother was fond of what we may call fun, was he not?—Yes, he was.

Do you recollect a mock trial going on?—No, I do not remember.

In which my Lord Ferrers appeared as judge, and wore a scarlet robe?

By the Attorney General. Do you recollect anything of that kind of your own recollection?—I do not remember that.

Are you sure you were not present at this mock trial, when your brother put on his grandfather's wig?—I do not remember his putting on my grandfather's wig.

Do you remember that trial being acted or performed when you were down there?—No, I do not remember.

Did anything of that sort take place while you were there?—I did not see it.

Do not be offended with me, was there a Miss Davy?— There was.

Did you know the late Mrs. Eld?—I did.

And the two Messrs. Eld, Mr. Eld senior, and Mr. Eld junior.

The Attorney General. Was there a Miss Davy there at this time, or was there such a being in existence?

It is preliminary, do you recollect her being there, and staying with the Earl at one time?—Miss Davy?

Yes?—She was staying with my Grandfather.

Do you remember Mrs. Eld being there and Mr. Eld?—Yes.

Perhaps that will refresh your memory, you will recollect the time when Miss Davy was there, Mrs. Eld, and Mr. Eld, and Mr. Eld junior being there, and Mr. Gilpin being there, a sort of mock trial going on?—I have seen them act, but I do not know what they called it.

Where were they acting, and what was it they were acting?—That is what I can't tell you.

Did you take no notice; do you remember Mr. Tracy being one of the clerks of the Court?—No, I do not remember anything about that.

Do you recollect witnesses being sworn?—No, I do not remember that.

Might this all have happened without your recollecting it, Mrs. Tracy?—It might.

Do you know a person of the name of Bowditch?—What name?

Bowditch ?-No.

Do you recollect any person being put in handcuffs at this mock trial?—I do not.

You must have remembered that, I suppose, if it had taken place?—I think I should.

Then that could not have taken place in your presence?

Yes.

Were you present when any sentence was passed on one of the culprits?—No, I do not know that I was.

Can you distinctly say that you were not, Mrs. Tracy, although it might be very innocent fun?—When my brother was dressed up.

When your brother performed the part in this drama of the judge and jury, I suppose?—No, I do not recollect that.

Can you recollect what it was; was it a regular play you

saw performed, or what was it upon a stage; a farce, or play, or what?—That I cannot tell you; I do not know.

Were the parties who performed in it, whatever it was,

dressed up?—My brother was dressed up, I think.

How was he dressed up?—He had his grandpapa's robes on.

As a Peer of the Realm, or what?—Yes.

Had he a wig on ?-No.

Did he sit in a large chair while this performance was going on?—Yes, he sat in an arm-chair.

How were the other persons dressed?—Indeed I do not recollect.

Had they no particular dress on ?—I do not remember that they had.

Do you recollect, when your brother was dressed up in his grandfather's robes, that the servants were called in, and stood as his guards with muskets; do you recollect that?—Yes, I do.

Were the servants dressed up as soldiers; or did they come in in their liveries, just as it happened?—In their liveries.

Then, after the servants had stood with muskets as his guard, do you recollect what performance went on next? what happened next?—I do not remember any more.

How long did it last ?—I cannot tell you.

It is very important I should get something like information; how long should you think this drama lasted?—I do not know.

How long were you there?—That I cannot say.

Were you there five minutes, or an hour?—It might have been an hour.

Now when was this?—I do not remember.

Was it after your grandfather's death, or before?—It was afterwards.

Was it in 1843 then ?—I do not remember the time.

Try and recollect whether it was at Christmas time, or some time of the year when, according to the best of your recollection, it took place?—That I cannot remember.

Is that the occasion when you recollect a performance of this kind going on ?—I do not remember seeing it.

Did you ever see your brother dressed up in the toll-breakers dress?—No.

So far as you can recollect, having stated on that occasion the servants had their muskets, can you recollect who were the other persons who remained for about this hour performing in this drama?—I do not remember.

Was Mr. Hanbury Tracy one?—No, certainly not.

Was Mr. Eld one?—Performing?

It lasted for an hour, you do not mean to say he sat still in the chair, with his guards, for an hour, doing nothing?

—I do not recollect.

Can you really tell us what they did, of course you yourself did not perform any part in the drama?—No, certainly not.

Tell me, sitting there for an hour, what you really saw done?—I do not remember.

Did your brother sit still, or speak?—He sat still; I just went to see him, because I had asked him to put on his robes.

Did you assist in putting on those robes?—No, I did not.

Do you mean to say you asked him to put on the grand-father's robes?—Yes I did.

What, to sit in the chair, with men with muskets?—No. Then did you wait an hour looking at him, with his grandfather's robes?—I can't tell how long I waited.

Can you tell really who were there?—No, I cannot.

Do you not recollect this Mr. Bowditch being actually committed by your brother for some contempt of Court, or something of that sort?—I do not know the name.

Was there not a charge brought against him of stealing cranberries?—I have often heard charges brought against people for that.

Upon this mock trial, when the muskets were there, whether there was not a charge brought against somebody for stealing cranberries, and whether it was not tried out?—I do not know.

Did you see the bible now actually given to the persons, and hear those persons sworn, and see him kiss the book?

—No, I did not.

Can you recollect what you saw within that hour?—1 saw nothing in the hour that I was there.

Were they all silent?—I do not know that I was there an hour.

Did you not yourself tell me, you might be there an hour?—I waited until I saw my brother in his robes.

Were you not surprised when you saw the men come in with their muskets?—No.

Not at all ?-No.

Is your brother an odd young man then?—Not that I am aware of.

You thought there was no oddity?—Not the least.

In ordering the servants with their livery in, was it after dinner?—It might have been about nine o'clock at night, or later than that.

I ask you whether you did not think your brother a very odd young man to order his footmen in with muskets to stand as his guards?—No; not when I had asked him to put on my grandfather's robes.

That then there was nothing odd in ordering the servants in with muskets?—No.

How many servants should you say came in as guards?

—I really do not know.

It did not surprise you ?-No, not at all.

Had you ever seen any other freaks of your brother then; had you seen other things of this description your brother had done or ordered, as this did not surprise you? Had he done anything like it before?—No.

He had done nothing odd before that?—I don't know what you mean.

You did not think that odd?—No, not for a young man. Was that the only performance that ever took place at Chartley?—No.

This was in 1843, or the end of 1842, after he was Earl Ferrers; tell us when you recollect any other performance taking place?—I can't tell you.

About how many times do you recollect a performance of that kind taking place at Chartley?—I do not know.

Would you say two or three or a dozen?—I cannot say.

Be so good as to tell me, according to your recollection, whether you will say that there have not been as many as twenty performances before you?—I can't say.

As many as two; did they ever perform plays?—Yes,

we have done so.

Can you recollect any play that was performed?—No, I cannot.

Did you take any part, Mrs. Tracy, in any play?—No.

Have you the least recollection of any character that was performed in any one of the plays that were performed?—No; I do not recollect.

How many times can you recollect plays being performed there?—I do not know.

Can you tell me whether it was twenty, or only two?—No, nothing like that.

Can you tell me whether the two you recollect were plays?—We used to act charades.

I am not speaking of charades; a play or farce is not a charade.

The Attorney General. Did you ever act in a charade? Mr. Chambers. Certainly not.

The Attorney General. It is very like a play.

Are characles the only plays that you recollect being acted there; is that the only kind of piece in which you recollect the acting taking place?—Yes; I think it was.

Then there was no farce ever acted; this was a short time ago; it was about 1843; we are now in 1846. There was nothing in the form of the regular or irregular drama got up at Chartley?—I do not know that there was.

Can you recollect anything ?—No.

I suppose you do not recollect the part of Sir Terence Volney being performed by anybody?—No.

The Attorney General. Will you tell us in what farce that is? I know a good number, and I have never heard that character.

Mr. Chambers. I cannot tell you what the farce is.

Can you tell us any of the characters taken by your husband?—No.

Were you not aware some time ago that it was supposed

that your brother was a strange or odd young man in respect of acting and going out at night dressed up; were you not aware of that?

The Attorney General. Whether, if anything you know of your own knowledge, or what your brother has told you, confine yourself to that.

From your conversations with your brother, did you not know he was in the habit of going out dressed up in a very odd way?—I have heard so occasionally.

By the Attorney General. Have you heard so from him?

—I was generally gone to bed.

Then what time did you go to bed?—I went very early. Early is a very relative term?—Half past nine, sometimes.

Having gone to bed so early, were you not disturbed yourself by the strange noise that was made during the night?—Not the least in the world.

Did you ever meet Mr. Arden there?—I have.

How many times should you say you have met Mr. Arden there?—Quite impossible to tell.

So many, that it is quite impossible to tell, or so few; is it because the times were so numerous that it is impossible to tell?—When he lived at Stowe he used often to be coming there.

Used to dine at the table?-Yes.

To dinner, and stay the evening?—Yes.

And part of the night?—I do not know about part of the night.

Did you leave him up with your brother?—I used to see him principally during my grandfather's time.

During that time, respecting Mr. Arden after dinner, used he to come into the drawing-room?—Of course.

With the other gentlemen?-Yes.

I will only ask you one more question with regard to this performance; can you tell me now, within ten, about how many times you have seen your brother dress himself up?

—I cannot.

Did he make his friends dress themselves up?—I believe not.

Have you not seen him and his friends dress themselves up in strange dress?—No.

Never saw any of his friends dressed up, have you?— Never but once.

When was that once?—When they acted charades.

Did they only act charades once?—I do not know how many times.

I think you said there was a performance took place?—
That is what I meant.

Did they only act charades once?—More than once.

Were they dressed up on all the occasions?—Of course.

You correct yourself now. You said you had only seen his friends dressed up once; about how many times were they dressed up for this acting?—I only saw one friend dressed up.

Who was he?-Mr. Gilpin.

With respect to these letters, the moment you saw these letters you could discern they were not in the handwriting of my Lord Ferrers?—I should say decidedly not.

It required very little looking to discover that?—Very little, indeed.

Had you seen them before you came into the box?— Never.

Is there any resemblance in the signature of Ferrers?—I do not think much, very little, indeed.

I see you have looked at the word Washington, suppose you saw the Ferrers without the Washington?—I should say it was not his.

You should say it was not his immediately?—Yes.

It would not require examination at all?—No. (A paper folded up was handed to the Witness with the name of Ferrers upon it, she examines the same.) I should say that was not Lord Ferrers.'

Mr. Chambers. I will mark that with a cross 1.

You said that at the instant you saw it?—Yes; it is better written than what he generally writes.

Have you any doubt about that not being his?—I doubt its being his very much, indeed.

He generally writes less legible than this, does he?—He never writes so well as that.

It is generally a sort of slurred hand, just as if it was written in a hurry?—Yes.

You have seen this letter, have you (producing a part of a letter marked B)?

The Attorney General. That is only a part of B, give the whole of B.

Mr. Chambers. No.

The Attorney General. You have no right to hand only a piece accidentally torn off the letter by yourself, you should hand that which belongs to it.

Mr. Chambers. I think I have a right to do so; my friend adopted the course of shewing three lines to my witnesses.

The Attorney General. That is not so; I showed eight or nine lines. My friend in a moment of haste and impatience, I will not say accidentally, tore a piece off the letter B, he then chooses to use that without the letter B, and to hand it up to the witness.

Mr. Chambers. My object is completely defeated now, and I am not going to put it into the witness's hand.

Now take the whole of it. (Letter marked B is handed to the Witness.) Is that Ferrers at all like your brother's signature?—No, I do not think it is. I never received one written in that way.

Did you ever see one written in that way?—No.

I observe you say "written in that way," do you mean that does not resemble his signature at all?—Oh, I cannot say that.

Does it resemble it ?—I should say it was not his if it was sent to me.

You know what that letter is, do you not; you went through twelve letters, did you not?—I did not count them.

Were you not perfectly well aware that these letters were the letters alleged to be forged when they were put into your hands?—I have heard nothing only what I have heard in court.

You so supposed when they were put into your hands,

and you were asked as to their being your brother's hand-writing, did you not suppose those were the alleged forged letters?—I could not tell till I saw them.

Did you not know that the letters that were put into your hands were those alleged to be forged?—I supposed they were the same that the other witnesses had spoken to.

Those which have been handed about during the trial, and which my Lord Ferrers says are forged?—Yes.

They did not require much examination for you to discover that, did they?—Not at all.

# The Honorable Henry Hanbury Tracy, sworn, and examined by Mr. Barstow.

You are the husband of the lady who has just been examined?—I am.

I believe the marriage took place when Lord Ferrers was abroad, did it not?—Yes, it did.

Since Lord Ferrers' return have you often had communication with him?—Yes, I have.

You have visited him at Chartley, and he has visited at your seat?—Yes.

Have you received any letters from him?—I never did.

Have you seen the letters received by Mrs. Tracy?—Very often.

'Have you ever seen any letters signed by him with the word Washington before the signature of title?—Never.

Have you seen a good many letters of his to Mrs. Tracy?

—Yes, a good many.

Look at the letters beginning No. 1. I believe you have seen him write, have you not?—Yes, I have.

Now, first take No. 1, do you believe that to be his writing. (The Witness examines No. 1)?—No, decidedly not.

Now look at No. 2. (The Witness examines No. 2)—The beginning of it is not the least like, the signature I have not yet got.

Now look at the signature?—Not a bit like it.

Now look at No. 3. (The Witness examines No. 3.) Look at his signature to No. 3.—No, that is not like it.

Take No. 4, if you please. (The Witness examines No.

4.)—No, I should not have thought it the least like his handwriting.

Take No. 5.) The Witness examines No. 5.)—Not at all like it.

Take No. 6. (The Witness examines No. 6.)—The same to that; not the least like it.

Take the next. (The Witness examines No. 7.)-My opinion of that is exactly the same.

Now take No. 8. (The Witness examines No. 8.)—It has no signature; yes, I see it. No; it is not at all like.

Now take No. 9. (The Witness examines No. 9.)—No, not at all.

Take No. 10. (The Witness examines No. 10.)—The same as to that.

Now take the one marked with the letter A. (The Witness examines letter A.)—I should not call that his handwriting; I should not say that it was his handwriting at all.

Now look at B. (The Witness examines letter B.)—The same as to that.

You have heard Mrs. Tracy examined; did you notice of the letters from Lord Ferrers to Mrs. Tracy, whether they were on scraps, or whether they were upon a sheet of letter paper or note paper?—Most of the letters that I have seen written by him to his sister have been upon note paper, not upon scraps.

I do not ask you about these parts, Brighton and so on, but I call your attention to a particular occasion. Do you remember, in the month of December, 1843, you and Mrs.

Tracy being at Chartley?—Perfectly well.

I believe you are not able to fix the exact day?—Yes, I know perfectly well; it was on December the 9th.

That you left Chartley?—Yes.

Do you recollect about what time of day you left Chartley?-No, not precisely; I could not say; it was after breakfast.

Soon after breakfast, or a long time after breakfast?— Soon after breakfast.

The Earl went with you and Mrs. Tracy?—He went with

Do you recollect getting to Welshpool to lunch?—We lunched at Welshpool.

And then went on to your seat?—And then went on.

We spoke of breakfast; did you see my Lord Ferrers at breakfast?—I cannot tax my memory with that; he started with us.

Shortly after breakfast, you said, the Earl went with you and Mrs. Tracy?—Yes.

You are able to fix it as being the 9th of December?—Yes.

Why are you able to fix it as that day?—Because I have looked at documents which prove to me that to be the date.

Did you post from Chartley on to Welshpool ?-Yes.

What is the distance altogether, from Chartley to Welshpool?—About fifty-six miles.

How many horses had you?-Four horses.

### Cross-examined by Mr. Chambers.

How long did the journey occupy?—I cannot exactly say; I should think about seven hours; about six or seven hours.

That is to Gregynog?—Yes.

Lord Ferrers, we have heard, is now married?—Yes.

Do you associate much with Lord Ferrers?—Yes; I saw a good deal of him since he returned from abroad.

Have you lately looked at any of his letters?—Yes.

When?—Very lately.

When was that?—I have seen some of them within these two or three days.

They have been shown you?—I have looked at them purposely.

To prepare yourself?—To become better acquainted with his writing.

Whose letters were they; some that Mrs. Hanbury Tracy had?—Yes, to his sister.

Have you examined them since the commencement of this trial?—Yes, I have.

When did you last examine them; before you came as a witness?—I think I was looking at them last night.

A large bundle?—A dozen or two.

Now, as to his signature; look at this which is marked 1, with a cross. (Handing the paper marked 1, with the cross.) Is that better written than he usually writes?—It is better written, but it is a great deal more like his writing than any I have seen before; it might be his for aught I know.

Is that his usual character of hand?—That is more like his writing than any I have seen before.

The letters you looked at are not within the last year and a half?—Are they letters written within the last year and a half, do you mean?

Yes.—Yes, and others.

How many others should you say?—Really I cannot say. I have seen a great number.

Did you see those letters that were in Mr. Evelyn Shirley's possession?—No.

Was he much of a correspondent? Did he use to write much to Mrs. Hanbury Tracy?—Yes, very frequently.

Was it a polished style or an abrupt one?—He generally wrote very short and very plain.

And abrupt sometimes? A little error in grammar was there?—I am not aware of any.

Have you read the letters with a view of detecting that?

—Certainly not.

Were you present at any of these charade performances at Chartley?—May I ask what you mean by performances?

Charade performances, or anything of the sort.—I do not think I ever was at any charade performance.

Were you at any other? Were you present when the muskets were brought in?—I have seen muskets at Chartley.

But brought in by the servants as guards?—If you allude to a circumstance which you were speaking of just now, I recollect it perfectly well.

Was there a mock trial there?—There was; and more than that, I recommended it.

Was it a trial for the cranberries?—The state of the case was this; there was a man accused of stealing cranberries, and rather than punish the man for so trivial an offence, we determined to frighten him, and we got up a trial, and there

is an end of that; and I suppose he was never guilty of the same offence again.

Did you go through the ceremony of swearing the witnesses?—I rather think we did do something of that kind.

Now recollect. I am afraid the book that was taken was really the Bible!—I think not. I should say decidedly the reverse.

Have you any recollection about it?—I cannot say. I did not even look at the book. I take it for granted it was not; if it was so, it was quite without my knowledge.

So I should suppose it would be. Was this a labourer, or what was he that was brought to be tried?—I take him to be a cranberry stealer.

A real or supposed delinquent?—He was a delinquent, I believe; no doubt about it.

He had stolen cranberries where?—On Lord Ferrers' estate; a place called Chartley Moss.

How long did the trial last?—It might have lasted a quarter of an hour, perhaps.

Was there a regular bar, counsel for the prosecution and the defence, or did you try him without any counsel for the defence?—Well, I do not think we were very particular.

Did you go through the usual ceremony of a trial in calling witnesses to prove the offence, and were they examined by a counsel, and cross-examined?—Why, we did sufficient to humbug the man.

In the course of that humbug, my Lord Ferrers was dressed up in his grandfather's wig?—I do not recollect that; if he had a wig, I have no doubt he would have put it on.

His lordship's robes with the paraphernalia?—Yes.

Was the counsel dressed up?—No; I am not sure. I was not.

Were you one of the counsel?—No, I do not know that I was even one of the counsel.

You were the clerk and crier, or something of that sort?

—Upon my honour I cannot say.

The man really did believe he had been condemned? he had handcuffs put on him?—No.

Was he not taken down stairs to be condemned to some

dreadful punishment, and given a quantity of beer, and then turned out?—That part I did not attend to.

By the Attorney General. That was his execution?—I believe that was his sentence.

That he should drink as much beer as he could ?-No.

Was that the only occasion when you were present at anything like a freak or amusement—I will not call it by a harsher name—at Chartley, in which Lord Ferrers was engaged?—That was the only time.

Used you to go to bed at an early hour in the evening?
—Generally.

Were you ever out with the parties ?-Never.

You know that they went out?-Yes.

About the fields ?-Yes.

In disguise, smock frocks, and so on?—Yes, I have heard something of that kind.

Was that when Mr. Arden used to be of the party?— Upon my word I cannot tax my memory of his ever being one of the parties. I paid very little attention to them. I generally have gone to bed myself.

That was somewhere about the time when the toll-breakers in Wales were making riots, was it not?—I suppose it was.

Did you ever see Lord Ferrers dressed up, going out in this way with his friends? Have you seen him sometimes going out?—Yes, I think I have.

In the way in which Mr. Arden described?—No, I never

Never with a smock frock ?-No.

Or with the shirt over?-Never.

How was he dressed when you saw him? Did you ever see him with a shirt over his clothes?—No.

How used he to go out?—Sometimes he would put on, for fun, jack boots, or something of that kind; that is a general thing, a sort of half military costume.

How many would sally forth in this way?—I never told them.

Would they go out with pokers and bludgeons, and things of that sort?—I do not know. I never was out with them.

Did you see them start in that way?—No.

Where used they to dress before they went out? in the

drawing-room or dining-parlour?—Neither one nor the other. Who do you mean by they?

I mean Lord Ferrers and his friends.—I never heard of his friends doing it.

Did he always go out alone?—I do not know of any friends that went out with him.

On the occasions you have seen him go out, who has he gone out with?—Upon my honour I forget entirely; I do not recollect.

Did he ever go out in a Scotch dress?—Indeed I do not know.

Have you seen him dressed in some Scotch dress?—I know he had a Scotch dress, and I have seen him put it on.

Where have you seen him put that on?—At Chartley.

On what occasions?—I cannot tell; it was upon no particular occasion; it was merely to shew a dress which he had, a sort of fancy dress.

Have you seen him go out in that dress?—No, I never did.

Was that only on one occasion?—Only on one occasion. Is he the head of a clan in Scotland?—I do not know; I believe he belonged to some clan.

Have you been there since his marriage ?-Yes, I have.

Do you know whether the same thing continues, that he goes out after the family have gone to bed, and goes about the fields?—No.

You do not know that?-No.

Did he ever take a sword with him? you say he used to go out in a military costume?—Not that I am aware of.

Have you seen him in the house use a sword?—No.

Never seen him strike the panels of the room with a sword?—Never.

The panels of the door?—Never.

Used he to sit at dinner after you had left the dinner-table?—No; I do not mean to say he may not have done such a thing, it was not his general habit.

When was your attention directed to the 9th of December, 1843, only yesterday?—Yesterday the circumstance particularly.

When you were in court, when the 9th was mentioned?

—Yes.

Talking about documents, what documents do you speak of?—Why, documents that everybody of course has at home that lead you to trace events.

What do you speak of?—For instance, if you go from your own house when you have not been at home for a long while, everybody has documents to prove the day they arrive at home.

What sort of documents?—You prepare your house for your reception; your household accounts and those things will tell you.

What household accounts are you referring to with regard to the 9th of December, 1843, have you any of them here?—I have not.

Who were they made out by ?-Myself.

What do you refer to ?-Just those that I saw.

What is the nature of those household accounts?—All housekeeping, I suppose, would commence with the expences of housekeeping.

What documents that were made by yourself is it that you can refer to as to house accounts?—I should know when my house, if I may use such an expression, was victualled for receiving company.

That would be the tradesmen's bills?—That would be.

Have you referred to any documents of your own; anything that you wrote yourself, that was not from some other document?—I have referred to a great number of things.

Refer to them.—I can give you one very sure one, I think.

What sort?—I say, my documents of that kind, house-hold accounts.

I want to have one particular household account, so that I may see what it is; where is the entry, where is it to be found?—I have not got it with me.

Where is it?—At my house.

Is it a tradesman's bill, or what is it?—Bills of course, housekeeper's accounts.

From your own housekeeper?—From my own house-keeper.

Your own housekeeper is in London?—She is.

That is the way you have arrived at your statement to-day?—Yes.

# Walter M'Lachlan, sworn, examined by the Attorney General.

Are you clerk to Mr. Mivart?—Yes.

Who keeps an hotel in Brook Street, I believe ?-Yes.

Have you any means of knowing the persons who come to that hotel, and remain there?—Yes.

What are your means of knowing who comes there?—By writing their names under the date.

You do that yourself, do you?—Yes.

Do you know Lord Ferrers?-No, Sir.

The Hotel, I believe, is in Brook Street, is it not?—Part Brook Street, and part Davies Street.

Was Lord Ferrers ever staying at that Hotel?—Not to my knowledge.

Must you have known it if he had been?—I should say so.

#### Cross-examined by Mr. Chambers.

What is your duty there as clerk, merely to keep the books?—To keep the accounts of the Hotel.

Then, I suppose you receive information from the waiters and others with regard to whom you are to book the things to, is that it?—Yes.

You hardly know all the customers who come personally, do you; it is a very large Hotel?—Yes.

There are several entrances, are there not?—There are.

Many noblemen and gentlemen have stayed, and you would not recognize their persons?—I should say if they stayed any time I must know.

About how many can you accommodate in this palace of Mr. Mivart's?—I could not say exactly how many, a great many.

Some hundreds?—Yes, two or three hundred.

Do you know Lord Ferrers now?—No, I do not believe I have ever seen him.

There are very large dinner parties there?—Yes, at times. And private parties of about a dozen?—Yes.

The names of the guests are not all announced?—No.

They walk up-stairs?—Yes.

Persons of the highest distinction have dined there, and nobody knows they have been there?—Yes.

Adjourned till to-morrow at half-past nine o'clock.

# Fourth Day.

18th February, 1846.

The Honorable Robert-William Devereux Shirley, sworn, examined by the Attorney General.

I believe you are the only brother of Lord Ferrers?—I am.

In the year 1844 were you with your regiment?—I was. Where was your regiment quartered?—Quartered in Scotland.

When had you joined your regiment?—I joined my regiment in 1843.

In what part of 1843 did you join?—At the end of March.

Had you leave of absence at any time?—No.

Did you remain with your regiment in Scotland then for some time?—Till the year 1845.

From March 1843 until the year 1845; did you ever quit your regiment at all, or Scotland?—Never.

Do you know Miss Smith, the Plaintiff in this action?

Did you ever see her to your knowledge?-Never.

I must put the question to you for form's sake. About February, 1844, did you see Miss Smith, and find her unwell, and inform your brother that she was in a bad state of health?—No.

Mr. Justice Wightman. Which is that?
The Attorney General. This is No. 2, my Lord. "I an

grieved to hear so ill an account of you, not from your note, for that says nothing, but from my brother, whom I saw, and who told me he had seen you."

You never had seen her at all ?-Never.

And at that time, in February 1844, I understand you were in Scotland with your regiment?—Yes.

In one of the letters, I find it is said, "Devereux is staying at Brighton." Were you at Brighton in 1844 or 1843?

No.

Have you been at Brighton at all ?-Never.

It is rather supposed you are skilful at sketching?—No; I never could draw in my life.

Then you would not be able to sketch the naked shoulders of three Scotch ladies?—No.

Are you acquainted with Lord Claude Hamilton?—No. Then I must ask you whether in the year 1844, "Lord Claude Hamilton, a friend of yours, called for you at your brother's rooms?"—No.

You never heard of anything of the kind ?—I never heard of such a person.

Just look at these letters, and tell me whether you ever wrote those letters. (Handing the letters Y Y to the Witness, who examines them)?—No, I never wrote that one, nor that.

Did you ever write any letter in your life to Miss Smith?

—Never.

Allow me to ask you this; in the month of June 1844, did you meet Miss Smith at Ashby?—No.

I must put the question, although it seems almost absurd to do it; had you any conversation with her upon the subject of a bonnet, which was to be furnished by your brother to her?—No.

Did you give her any note written by yourself, or by anybody else, to put into the bonnet box?—No.

Mr. Justice Wightman. I think that note was not put in.

The Attorney General. No, my Lord; that note was not put in; that note was one that was not forthcoming.

I suppose you are acquainted with your brother's hand-writing?—Yes.

Did you ever at any time receive any letters from him signed "Washington Ferrers?"—Never.

Mr. Justice Wightman. You have put in June, did you go at any time?

The Attorney General. I am obliged to your Lordship. Did you at any time give Miss Smith a note, written by yourself or by anybody else, to put into a bonnet box, to go to her at Austrey?—Never.

Now I observe in one of these letters, which are said to have come from you, you are represented to have sent a jacinth ring, which had been worn by your brother from childhood; did you ever send a jacinth ring to Miss Smith or to anybody else in the world?—No.

Do you know of any jacinth ring which your brother used to wear from childhood?—No.

The Attorney General. What is a jacinth ring?

Mr. Chambers. I don't know; the ring is there; it is a gem.

The Attorney General. (To the Witness.) Now look at this ring (handing it to the Witness), it is said to be a jacinth ring?—I have never seen that ring before.

Mr. Justice Wightman. Where is that mentioned?

The Attorney General. I will shew your Lordship. There is a little slip of paper with this last letter. "I reopen my note to say my brother has just awakened; he has taken from his hand the jacinth ring, worn from childhood, which he desires me to send."

Mr. Justice Wightman. That is one of the letters Y.

The Attorney General. Yes, my Lord, the last of the two, I think; the Thursday letter. It was the Thursday letter, said to be received on the Friday.

I am obliged to ask you this; were you at your brother's bedside, and did he awake, and take from his finger a jacinth ring which he had worn in childhood, and give it you to send to Miss Smith?—No.

You were not at his bedside at all were you, you were in Scotland?—I was in Scotland.

Did you see your brother from March 1843 until March 1845?—No.

I have asked whether you ever received letters signed "Washington Ferrers," from your brother; have you ever received any letters signed W ———— Ferrers?—Never.

Or "Was. Ferrers," or anything but "Ferrers?"-No.

When he was Lord Tamworth, did he ever sign "Washington Tamworth," or Wash. Tamworth, or W. Tamworth, or anything of that sort, or merely his title?—Merely his title.

Now be good enough to look at No. 1, if you please. (The Witness examines No. 1.)

The Witness. That is not my brother's writing. (The Witness examines No. 2.) Nor that. (The Witness examines No. 3.) Nor that. (The Witness examines No. 4.) Nor that. (The Witness examines No. 5.) Nor that. (The Witness examines No. 6.) Nor that. (The Witness examines No. 7.) Nor that. (The Witness examines No. 8.) Nor that. (The Witness examines No. 9.) Nor that. (The Witness examines No. 10.) Nor that.

The Solicitor General. Might I ask your Lordship the favour to lend me the copies of the four letters put in for the Defendant; there are some words I cannot very rightly make out in the originals. (They are handed to the Solicitor General. The Witness examines the letter marked A.)

The Witness. No. (The Witness examines the letter marked B.) No, nor that.

Mr. Justice Wightman. Have you looked through them all?—Yes, I have.

The Attorney General. Was your brother ever in the habit of gambling?—No.

Did you ever know of his having lost a farthing at cards or dice or any game at all?—No, I have not.

Was he in the habit of writing on scraps of paper to you?

No.

Were the letters which you received from him always on entire sheets of note or writing paper?—Always.

Was your brother in the habit of using a seal with his coat of arms and coronet?—He mostly sealed with his coat of arms.

And coronet ?-Yes.

## Cross-examined by Mr. Chambers.

Have you any of your brother's letters in your possession now?—Not here.

Have you left them at home?-I did.

Did you look at them before you came here?—I did.

About how many letters have you?—I cannot say how many.

Could you, in the course of the day, do you think, send for those letters?—No.

. Where are they?—Some of my letters are in Oxford-shire.

Where have you come from this morning?—From Duke-street.

Have you any letters there?—None.

When did you look at the letters?—I saw some of my brother's handwriting on Saturday night.

In whose possession were they?-Mr. Jessop's.

Is Mr. Jessop the attorney for your brother?—No.

Then how came you to see them in Mr. Jessop's hands? He is an attorney, is he not?—I believe so.

An attorney at Derby?—Yes.

Have you known him well?—Yes.

For many years?—Yes.

How many letters did Mr. Jessop shew you?—I did not count them.

Were there twenty, or how many?—About twenty, I should think.

Did you examine every one, so as to see the handwriting?

—Not every one.

Did you look at all the twenty?—I looked at most of them.

Before you had done it, of course you over and over again received letters from your brother?—Frequently.

Will you tell me if you had acquired a perfect knowledge of your brother's handwriting from letters you received from him, how Mr. Jessop came to shew you twenty?—He only brought them out.

At the time when Mr. Jessop shewed you these twenty

letters, who was present?—A great many people were present.

Name them, if you please?—Mr. Eld was present.

Well?—My sister for another.

Yes ?-Mr. William Eld.

Yes ?—And I think those were all.

Did they each and all look at those letters?—I believe they did.

The object was to examine your brother's handwriting in those letters, was it not?—I believe so.

Do you know whether those letters are here?—I do not.

Were they not all letters written within the last eighteen months? yes or no?—No.

Now tell me any one that was not written within the last eighteen months?—I did not read them.

Did you look at the dates?—No, I did not.

Then how can you say they were not all written within the last eighteen months?——Some were written from abroad.

Had you ever seen these letters before to-day, that you have looked at, and said none of them resembled your brother's handwriting?—Never.

Do you think there is any resemblance?—Not the slightest.

Is there any resemblance in the signature?—Not the slightest.

Is there any attempt at an imitation of your brother's handwriting?—No.

You say you were with your regiment; for what period? From March 1843 to March 1845.

Was the regiment stationed at Edinburgh the whole of the time?—No.

Where was it?—It was stationed in different parts of Scotland.

Where did you join it first ?-I joined at Paisley.

And then from Paisley?—Then we marched to Fort George, and then to Glasgow, and then to Edinburgh.

During that period were you at all on detachment?—I was detached to Fort George.

Alone?-No.

You mentioned you were with your regiment?—You did not get leave, I presume, at all?—No, I did not.

Were you never in England?—Never.

Then what you mean to say is, that you never, even for a day, left your station, when you were stationed at Fort George, or the head quarters of the regiment?—No, I never did.

I believe you have left the army now, have you not?—I have.

Have you ever seen Miss Smith?—Never.

Not even within the last few days?—Never.

Have you ever been at Austrey yourself?—I have.

When was that? when you were a little boy?—When I was a little boy.

Quite a little boy?—Quite a little boy.

What age are you now?—I am twenty.

Do you know a gentleman who at all resembles you?—No.

No relative of yours who resembles you ?-No.

Is there not?—No, not that I know of.

When you were at Austrey, did you remain there any time?—I remained there six weeks.

From what period was it that you remained there?—was it just before your brother went abroad, or a long time before he went?—A long time before he went.

Two years, or three years?—Yes.

Was it while he was a pupil to Mr. Echalaz?—Yes.

How long before your brother went abroad was it that you were at Austrey?—About a year.

When was it you first heard of these proceedings against your brother?—About a year ago, I think.

Did your brother tell you he had never seen Miss Smith in his life?—He did.

Did he tell you that he did not know who she was, or anything about her?—He did.

That he never had heard the name of Smith at Austrey?

—He told me so.

That he had not the least idea who it was?-Not the slightest.

When was it that he told you this?—I cannot recollect.

Was it in the year 1844?—I was in Scotland then.

Was it after you returned from Scotland?—Yes, it was.

Was your brother a young man of, I believe you call it, spirit, fun?—Yes.

Used you to join in some of what he called his larking parties?—I believe I joined in one.

Where was that?—At Chartley.

Was it after he became Lord Ferrers?—Yes.

What year was that in?-That was 1843.

Was it before you went into the army?—It was.

What was that larking party?—I forget.

You can give us some account of it; was it going out in disguise, or what was it? in the house, or out of the house?

—It was about the house.

How many?—It is some time since.

What was it that was done?—Nothing particular.

But you know better; you can recollect the circumstance of joining in one, what sort of an affair was it?—I quite forget.

You recollect the incident, but you cannot recollect anything about it, is that it?—No. I have been in a boat with him at night.

What was it really you did that was extraordinary, or out of the way?

The Attorney General. He was out of the way when he was in the boat at night.

Mr. Chambers. Was it a mere fishing party?—Can you give us no account of it?—No, we were only pulling about in a boat.

I don't know that that is very extraordinary; I believe you put a horse, or a donkey, or something in the boat?—No, we never did.

Mr. Justice Wightman. It is not worth while to take this at any great length after what you have.

Mr. Chambers. Of course you did not write those letters which have been put into your hands?—No, I did not.

Do you know that handwriting?-No.

Have you the slightest knowledge of it?-No.

Now I will ask you about another handwriting. Take

this. (Handing a letter to the Witness, who examines it.) Have you ever seen that letter before?—No.

Mr. Chambers. That is one of the four letters (To the Witness). Now look at that, have you the least idea of that writing?—No.

Mr. Chambers. That is the one with the envelope.

The Attorney General. The first of May envelope.

Mr. Chambers. (To the Witness.) When did you return from Scotland?—In March 1845.

You were in Scotland after you left your regiment, I believe?—I was.

For how long?—For three months.

Mr. Francis Jessop, sworn, examined by Mr. Barstow.

I believe you are an Attorney at Derby?—I am.

Were you concerned for the late Lord Tamworth, the father of the present Earl Ferrers?—I had been concerned both for him and his father a good many years, occasionally.

Were you the Attorney for the guardians of the present earl?—I was.

Were you ever concerned as the Attorney for the present earl himself?—No.

You were concerned for the guardians of the earl; have you become acquainted with the handwriting of the present earl?—I corresponded with the present Earl Ferrers, and had a good deal of correspondence with him. All the money when he was at school, and different things, and when he was travelling abroad, was remitted through me.

This was during the time of your being attorney for the guardians?—Yes.

But since he has been Earl Ferrers, have you ever been his confidential attorney?—No, certainly not.

Mr. Justice Wightman. He has not been his attorney at all.

The Attorney General. We are asking him merely from the letters. We shall not ask him whether he is a "bloodsucker," but whether he is the confidential adviser.

Mr. Barstow. (To the Witness.) You were not his

confidential attorney?—No; I have corresponded with him since, but never was concerned for him.

Now look at those letters, numbered from one to ten. First of all, have you ever received a letter from him signed "Washington Ferrers?"—Never. I have in my pocket, I should think, thirty or forty letters.

Or "W. Ferrers?"-Never.

Look at the signature of that letter (handing the letter No. 1 to the Witness who examines it,) and say whether you believe that to be his handwriting?—No, I do not believe either the signature or the body of the letter.

Now take up No. 2. (The Witness examines the same.)

-Nor this.

Now take up No. 3. (The Witness examines the same.)
-No.

Now take up No. 4. (The Witness examines the same.) Nor this.

Now No. 5. (The Witness examines the same.)—Nor that.

Take up No. 6. (The Witness examines the same.)—No.

No. 7. (The Witness examines the same.)—Nor this.

Take up No. 8. (The Witness examines the same.)—Nor this.

No. 9. (The Witness examines the same.)—Nor this.

No. 10. (The Witness examines the same.)—Nor that.

Now take up the letter marked A. (The Witness examines the same.)—Oh, no, this is not a bit like; this is not at all like.

Now take up B.—(The Witness examines the same.)—No. Were the letters, which you have been in the habit of receiving from him, written on scraps or on an ordinary sheet of note paper?—All the letters I received from him were written either on note paper or whole sheets of letter paper; I never had a scrap from him of any kind.

Were the letters usually sealed?—Sealed, and the post-mark to most of them.

Sealed with his coat of arms?—Yes.

I believe you know Mr. Hamel, the Plaintiff's attorney?

—I do.

Did he call upon you at any time and show you any let-

ters?—He called upon me; I think it was after this action was brought, or when there was a rumour that an action would be brought, to ask me about Lord Ferrers' handwriting.

Did he show you any letters which purported to come from Lord Ferrers?—He did.

Do you recollect how many there were?—There were a few only. He showed me a few letters; he had a great number, but he showed me a few.

Have you any recollection or not, whether those few he showed you formed a part of those you have seen to-day or not?—I cannot say. There was one letter I recollect perfectly well, which he showed me, had a reference to Mr. Neville.

The Attorney General. There is one of these letters which has a reference to Mr. Neville.

Did you then show him any letters of Lord Ferrers' writing?—After looking at the letters he showed me, I told him, in the first place, he must not expect me, connected as I had been with Lord Ferrers, to say anything about it. After he had showed me the letters, and after looking them over, I told him, decidedly, I did not think any one of them was Lord Ferrers' handwriting.

But what did you inform him as to the letters he showed you?—He said, "You will have no objection to look at some letters?" and he showed them to me; and I told him I did not believe any one of those to be Lord Ferrers'; and I was so satisfied that they were not Lord Ferrers' writing, that I went into another room, where I had some of Lord Ferrers' letters, and brought out five letters.

Did you show them to him?—I showed them to him, and he looked them over, and compared them with the other letters.

When he had made the comparison between those letters that you showed him and those he showed you, what did he say?—He observed that he did not think there was any likeness between them.

The Solicitor General. I do not know that this is now material, but it is not admissible: a conversation with the Plaintiff's attorney.

The Attorney General. Going to this gentleman, and

enquiring his opinion as to the handwriting of letters to be

produced.

The Solicitor General. I apprehend, that on no conceivable principle can this matter be receivable in evidence.

Mr. Justice Wightman. Is it pressed?

The Attorney General. If your Lordship entertains the slightest doubt about it, I will not press it.

Mr. Justice Wightman. I do not express any doubt, but I only wish to know whether it is pressed.

The Attorney General. I really will not press it then, my Lord.

### Cross-examined by Mr. Chambers.

I believe the letters you showed to Mr. Hamel were not written, the body of them, by Lord Ferrers?—Yes.

Was it not merely the signatures?—No; I opened the letters and let him see the handwriting.

Were they not written by a lady, though there was Lord Ferrers' signature?—You mean the letters he showed me.

No, the letter you showed him. How many letters did you show to Mr. Hamel?—I showed him five letters.

Were they or not, in the body of them, written by Lord Ferrers?—They were, certainly. I have got the letters in my pocket; I kept them separate.

The Attorney General. Have you got the very letters

you shewed him?—Yes, I have.

Mr. Chambers. That is the very thing; we want to see those letters.

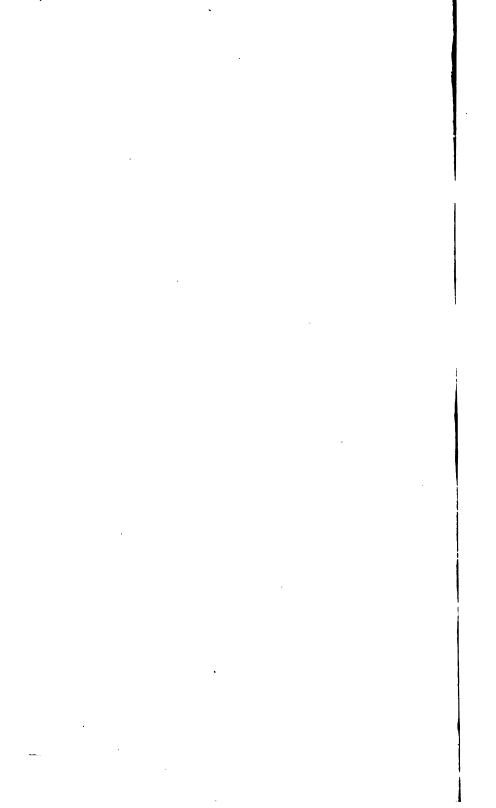
The Attorney General. I must beg, that if my friend goes into this—if he has them produced—I may be permitted to go on with the conversation, and let us hear what Mr. Hamel said about them.

The Solicitor General. Really, I do not think it at all important, and to encumber a case of this nature with additional letters would, I think, be a very unprofitable waste of time; therefore, I shall make no further enquiry respecting the five letters.

The Attorney General. (To Mr. Chambers). Is that all?

Mr. Chambers. Yes.

The Solicitor General. I have to solicit your Lordship's attention for a very few moments. Owing to my unavoidable absence from this court during the last two days, it was not till last night that I could be made at all acquainted with the contents of four letters, which I understand to have been laid before this court in evidence by my learned friend the Attorney General, as counsel for the Defendant. My Lord, it was not until this morning, and since your Lordship has taken your seat in this court, that I have had any opportunity of seeing those letters themselves; they have come entirely by surprise upon me; they are an entire surprise upon the respectable gentleman, Mr. Hamel, who sits below me, the attorney for the Plaintiff in this cause, whose well-known honour and integrity were never more amply and clearly evinced than they have been throughout the conduct and in the preparation for trial of this most strange and complicated cause. My Lord, I may not unreasonably think that they came also by surprise upon the members of the family of this young lady, as I understand, though my learned friend will correct me if I am wrong, that so far from any suspicion being entertained that any letters of such a character in this lady's handwriting were in existence; they have been made evidence in this court by the testimony of her own mother. My Lord, under these circumstances, I felt it my duty, in the first place, to confer anxiously and seriously with Mr. Hamel, the attorney, whose assistance I have had in preparing the cause for trial, and with my learned friends beside me and behind me, whose assistance I have had throughout the trial. My Lord, the result is, that as there can be no time while this trial is going on to institute any enquiry, to ascertain any facts tending to throw light upon this perhaps most mysterious part of this most mysterious case, I have felt it my duty, in concurrence with the opinion of my learned friends around me, I have felt it due to myself, I have felt it due to the young lady whom I here represent, and I have felt it due to the interests of truth and justice; being unable, at the present moment, to meet, or to explain, or to enquire into the facts' connected with these letters, to withdraw from the present contest. My Lord, under these circumstances, without







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